G.R.S. 57.]

Dated prefix
Rev Dept No 570-21

File No. 29 - 10

Serial Nos. 1 - 13

1900 - 11

GENERAL AND REVENUE SECRETARIAT.

(Legis.)

Part A: Manuscript
for January 1911

Serial Nos. 1 - 13

To the Rev Comm. & the Chief Engineer
No 885-6 d. 5. 8. 07.

Forwards draft scheme for the constitution of Village Panchayets for the maintenance of tanks & requests submission of their opinions on the same together with those of the Deputy Comrs or Executive and Superintending Engineers as the case may be.

2. From the Rev Comm. No C. 88 d. 4. 10. 1907.
Submits his opinion together with those of the DCs

3. From the Chief Engineer. no: 7368 d. 16.10.07
Submits his opinion together with those of the Supt. Executive Engineers on the Scheme

GPB—5,000—20-8-06.

To the Revenue
no. R 2592 d 9.11.07
Fits the file on the Subject & requests him to prepare
a draft bill with a draft statement of objects and reasons.

From the Revenue no 5642 d 27.11.07.
Returns the file forwarded with SC 4.

Do- no 6253 d 16.12.07

6 Fits a copy of draft Tank Panchayet Regn together with the draft of the statement of objects & reasons.

7. To the Hon'ble the President No 1155 d 26.6.08
Fits a copy of the draft Tank Panchayet Bill with a statement of objects and reasons and informs that it is proposed to place the same before the Legislative Council in due course

8. From the Hon'ble the President
No 3943 d 28.7.08
Asks for the Board's views on certain points connected with the customary obligations of ryots to maintain the tank.

9 To the above No 1259 d 11.8.08
Conveys the views of the Board in the matter

10. From the H.E. President No 4437 d 25/8/08
Informs Hon'ble the views of the President, it is worth considering whether the experiment should not be first tried in some selected talukas.

11. To the H.E. President No 1288 d 29.8.08
Invites attention to clause 3 of the draft Regulation which the panchayets to be created only in certain specified areas by Govt notifications.

12. From the H.E.P. no 4695 d 7.9.1908
States that the President is satisfied but that he still desires that the legislation should be applied and extended very carefully should be carefully watched at frequent intervals.

13. To the Comptroller, Singapore Govt, Telle
No 1966 d 9.1.1911
Directs the publication of the Regn

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12-1

G.R.S.11] 1900-11

GENERAL AND REVENUE SECRETARIAT

(Legis)

NOTES.

File No. [illegible]

FILE HEADING.

The Village Panchayat Regulation.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First sheet

GPB—30,000—3-4-07.

1.S 2-25-10

NOTE

1. During my late tour in the Kolar District, I spoke to the people about the urgent necessity of their doing their share of work for repairing the tanks which were not only useful for irrigation but also indispensable to the people for the supply of water for drinking and other purposes. The ryots at first exhibited some discontent and argued that as the Government levied almost the same assessment on lands under minor tanks as on those under Major tanks, it was the duty of Government to restore the minor tanks also. They proposed that Government should devote to the repair of each tank the amounts collected in the shape of the Irrigation Cess. etc.

2. I pointed out to them that it was not possible for the Government to abolish the existing system which has been in force so long, and that the Government at present bore the cost of the masonry work and all that was left for the ryots was to do the earthy work and to remove the silt and clear the weeds. I told them that if the ryots only did their share of work the Government would give them every facility for maintaining their tanks in good condition and explained to them the manifold benefits which would result from their combining together and having their tanks put in proper order promptly without waiting for Government to take up the works at leisure. Then many of them agreed that my proposal was calculated to promote their own interests.

3. Then the more intelligent said that

there was a practical difficulty in securing the cooperation of the obstructionists of whom there were so many in every village. I pointed out to them that it could be easily got over by the formation of a village panchayet composed of the village officers and the more influential ryots of the village who would be able to convince the others. I led them to understand that whenever the majority of the people of a village agreed upon the necessity for the restoration or repairs of a tank, the Government officers in the person of the Amildar and his superiors would be only too glad to use their personal influence to induce the unwilling minority to cooperate with them and that the Government itself might be moved to frame rules giving power to a village Panchayet to proceed with an undertaking when about three-fourths of the community are in favor of it. I explained that the Panchayet might be given by Government the power to appeal to the Amildar of the Taluk to enforce the obligation on the part of the recalcitrant ryots, and the Amildar, on such representations from the Panchayet, may be given the power of collecting from them their share of contributions. The punchayet may also have the power of regulating the extent of cultivatio and distribution of water according to the supply available and the needs for Druva pair gardens and of the people. I also explained to them that a standing Punchayet like this would be able to prevent occurrence of any abuses in the collection of revenue, sale of lands on Darkhast or for arrears and in fact obtain a better hear-

Leg 7-43 of 10

from the Taluk and District Officers. Thus the Punchayet might not only attend to the upkeep of the tanks and regulate its supply but in course of time might be able to settle all differences among the people and to manage their communal concerns. The ryots liked these ideas very much and it appeared to me that the more influential among them thought the scheme to be workable.

4. My own idea is that as a preliminary step we should collect information of the tanks requiring repairs, the nature and cost of the necessary repairs, the present revenue derived from the lands under them and the prospective revenue which may be expected after their restoration. It should then be possible to judge whether the cost to be incurred is commensurate with the benefits to be derived not only in enhanced revenue but also as a measure of protection for men and cattle and the existing cultivation in seasons of drought. Then we can determine on the advisability of persuading the ryots to undertake the necessary repairs, the amount of work to be done by the ryots and the grant or other assistance to be given by Government. We need not, as the rules at present provide, confine the grant to the cost of the masonry work alone but regulate it by the circumstances of each case. That is, the amount may be fixed on a consideration of the expenditure incurred by Government in the past on the tank and the revenue derived therefrom. For instance in cases in which Government have not spent money for masonry and other repairs for a long period though

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a fair revenue has been received a larger grant may well be made than under other circumstances. The amount of grant may also be regulated by considerations of local circumstances such as urgent need of water for men and cattle, the tract in which the village is situated etc all of which are now taken into account in selecting the tanks for repairs. Government may also help the villagers to form a fund for the repair and upkeep of the minor tanks by crediting from time to time the proceeds derived from the sale of the produce of trees and the grass on the bunds of tanks and the moneys realized by letting out the bed of the tank for grazing and the sale of the fishery to an account in the name of the Village Punchayet in the Government Savings Bank.

6. This will be but a small beginning and may even require legislation. The scheme propounded by Mr. Madhava Rao (Vide his Note of 1902) may be found more useful. But for all that also the aid of legislation will have to be sought. Perhaps if the Punchayets are at first given the smaller powers proposed by me they may be trained to exercise the powers and undertake the responsibility contemplated in Mr. Madhava Rao's Memorandu. But the whole subject requires careful thinking and elaboration. I shall deal with this question when I have a little more time and shall submit my views later on.

Sd. A Ranganayakamma

Revenue Commissioner.

January 1907

C.B.

K.S.

Note on Tank maintenance

7 (1) This subject has been discussed in great detail and various schemes have been proposed for adoption from time to time. It is scarcely possible to add anything new or valuable to the information contained in draft Mysore Tank Code, the Chief Commissioner's Minute dated 13th August 1878 and the Memorandum of Dewan ~~Rdgh~~ Rangacharlu and of Mr. Madhava Rao and subsequent Government Proceedings and orders. I would however briefly note below my suggestions on the subject.

R, S+S,

(2) I do not propose to make any suggestion for altering the existing rules and practice as regards the restoration and maintenance of our tanks, both major and minor. The existing rules and practice have had the sanction of authority and usage and may be regarded to have received the acceptance of the people at large, whatever imperfections or hardships may be attributed to them.

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(3) I propose that the construction and restoration of major tanks ~~which~~ may owing to the magnitude and extent of work requiring to be done and other considerations ~~may~~ be left to be dealt with by the P.W.D. as at present.

(4) As regards the annual maintenance (defined in appendix A of the Revised Rules) such as earth and turf work for restored tanks both major and minor and for the restoration, maintenance and repair of the minor tanks, The Revenue Department is required to get these works performed by the villagers under the supervision of the Village Patel

or

or other officer. But as the villagers are not given a voice [redacted] or made to take a practical interest in these matters the Patel and the Shanbhog are unable to enforce their voluntary co-operation, and the successful carrying out of these works depends entirely upon the energy and tact of the higher Revenue officers. With the gradual breaking up of the old communal feeling, the growth of a factious spirit in the villages and the somewhat decreasing personal influence of the Amildars, the working of the present rules have not been productive of good to the extent contemplated and consequently the work of restoration and maintenance of tanks, is every day becoming more and more difficult.

5. It will make the system work more automatically if the villagers are given a voice in the management and apportionment of the work among themselves and provision is made for getting up a fund for carrying out the repair of the tank by pointing out some sources of income and by facilitating the collection of money contribution from men who do not contribute their share of labor.

6. For this purpose it is proposed that a Punchayet be constituted in each village composed of the Patel and the Shanbhogue and 3 or more villagers of means and respectability who may be elected by the villagers themselves or nominated by the Amildar or the Sub Division officer after ascertaining the general sense of the village.

7. The powers and duties of the Punchayet may

may be prescribed on the following lines:

(i) They shall have power to apportion the work of repair required for their tank among the holders of lands under the tank according to the existing rules, subject to the right of appeal to the Amildar.

(ii) They shall fix the wages of labor per diem (maximum and minimum to be laid down by Government) payable by a ryot who fail to do work according to his turn.

8. The fund may, for the present, consist of the following items:

(a) The amount collected from absent ryots,

(b) The sale proceeds of the grass in the bed and on the tank bund,

(c) produce of trees thereon,

(d) The fishery in the tank, if any,

(e) The landlord's share in any crop that may be raised in the tank-bed with the approval of the Punchayet.

9. This fund shall be deposited for interest in the Savings Bank or any reliable Agricultural Bank or Co-operative Society.

The procedure to be adopted for restoration and maintenance of minor tanks.

10. As regards tanks which are out of repair, a list shall be prepared in the Revenue Department in consultation with the P.W.D. where necessary, with sufficient detail shewing the work required to be done - both earth work and masonry - the cost thereof and the existing

existing and prospective Revenue. It should then be decided by the Deputy Commissioner in consultation with the Executive Engineer whether the restoration of any tank is expedient having regard to the cost as compared with its Revenue and other advantages. If the decision should be in favor of its restoration it should be communicated to the Village Punchayet, who after consulting the whole village community will be required to report whether they consent to the restoration or not and to contribute their share of the cost. The restoration or repair shall then be carried out by the Tank Agency under the Amildar with the aid and co-operation of the Punchayet who shall have a substantial voice in giving out contracts.

11. If the amount of contribution from the ryots in labor and money be too heavy, the Government may give them a grant-in-aid and also advance a portion of the amount required as a Takavi loan on the joint liability of the villagers according to their share of contribution towards the restoration.

12. If it be decided by the Deputy Commissioner to abandon a tank and throw the land under it out of wet cultivation, a reduction shall be made out of the survey assessment of the share due to irrigation from the tank. If on the other hand the villagers are disinclined to take up the work they need not be compelled and the usual rules now obtaining as regards remission of half wet assessment for breached tanks may be followed. If the decision of the Committee or the villagers is not unanimous the

till the Govt or the village community are in a position to restore the tank or till it is decided to abandon it altogether.

the decision of two-thirds or three-fifths of the persons interested shall be allowed to prevail.

13. All ~~monies~~ moneys due from the defaulting villagers and others to the fund under the above rules shall be leviable as arrears of Land Revenue by the Amildar on behalf of the Punchayet.

Other matters which may be left to the Punchayet.

14. The ~~supply~~ issue of water from the tank for irrigation from time to time should be regulated by the Punchayet. The season or time for sowing wet crops and the extent of ~~land~~ to be so cultivated by ~~each~~ ryots in proportion to the water available should be settled by the Punchayet according to the supply of water in the tank.

Pehakat to be put under crop & the portion out of each holding

15. The Punchayet shall have ~~however~~ power to prevent all ryots from growing sugar-cane where and when ~~he~~ they likes. Keeping in view the quantity of water available in the tank instead of allowing different ryots to plant the cane in different places, a compact and suitable block may be selected as near to the bund or sluice as possible and parcelled out amongst those who want to ~~plant~~ grow the ~~cane~~ cane by the Punchayet on such terms as regards the ~~landlord's share etc~~ rent or share to be paid to the owner of the land as may be considered reasonable by the Punchayet. This will help to conserve the supply of water in the tank, to minimize the cost of hedging, lessen the trouble of watching and chances of theft.

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16. These are but the rough outlines of a scheme on which the restoration and maintenance of minor tanks and maintenance of major tanks may be worked out with the aid of the Village

Leg 7-8-10 - 10

village Punchayet. They have to be carefully

17. ~~It is a matter which requires to be threshed out by a small Committee as to the various provisions of the scheme and the exact shape in which it should be adopted,~~ I would propose (on this) Committee of Col. Grant, the Chief Engineer and myself with Mr. Karve or some other Superintending Engineer as Secretary.

Revenue Commissioner.
10. 5. 07.

threshed out by a small committee to arrive at decision come to as regards the main provisions which may be adopted out of those contained in the preceding paras as well as the valuable contributions on the subject referred to in the first para. The draft scheme can then be completed & submitted for the orders of Govt.

For some time past, I have had under consideration certain questions connected with Tank Maintenance. The rules of 1873 on the subject of the ryots' liability to maintain tanks were revised to some extent in 1904, but one important question has been left untouched, viz., how to create in the ryots an interest in the preservation of their tanks. It is a matter of common experience that the existing rules under which the Taluk revenue authorities and the village Patel are expected to get ryots to execute timely repairs to tanks, are not being enforced as they were intended to be, and that the general tendency is for tanks to be allowed to deteriorate as before. This result is inevitable so long as the present system under which the ryots have no interest in the repair and maintenance of their tanks is allowed to remain unchanged. The only remedy is to give the ryots a voice in the measures necessary for the maintenance

of their tanks and also give them control over the funds which Government may assign for the purpose. The Revenue Commissioner has, at my desire, drawn up a scheme on these lines, and I agree with him in the suggestions that he has made. The proposals are mainly as follows:-

1) The existing rules based on long recognized practice laying down the liability of ryots to maintain all tanks brought up to standard and to restore certain minor tanks will be left unaffected.

2) The construction and repair of major tanks will be left to be dealt with by the P.W.D. as at present.

3) As regards the annual maintenance (defined in appendix A of the Revised Rules) such as earth-work and turfing for restored tanks, both major and minor, and for the restoration, maintenance and repair of the minor tanks, a Panchayet will be constituted in each village (or group of villages) composed of the Patel and Shanbogue, and 3 or

more villagers of means and respectability, who may be elected by the villagers themselves.

(a) The electoral body shall include all holders of wet and garden lands below the tanks in the village or villages under the control of the Panchayet and all holders of dry lands and Mohatarfa paying ryots paying not less than a certain fixed amount as land revenue or mohatarfa as the case may be, who are liable for the maintenance of the tanks.

(b) Election to the Panchayet may be restricted to persons paying a certain sum, say Rs.50 for wet and garden and Rs.20 for dry lands, (to be fixed for each taluk or portion of a taluk), as land revenue, or a certain sum as mohatarfa, say Rs.5. One member on the Panchayet may be elected solely by the dry land holders and mohatarfa paying ~~ryots~~ inhabitants and the others by the wet and garden land-~~owners~~ holders in the proportion of 1 to the former and 3 to the latter.

4) The powers and duties of the Panchayet shall be as follows:-

i) They shall have power to apportion the work of repair required for the tank or tanks among the holders of lands under the tank and others according to the existing rules, subject to a right of appeal to the Amildar.

ii) They shall fix the wages of labour per diem (maximum and minimum to be laid down by Government) payable by a ryot who fails to do the work allotted to him.

iii) They shall have control over a fund to be called the Panchayet Tank Repair Fund, which will for the present consist of the following items:-

a) the amount collected from ryots who prefer to commute their quota of labour into a money payment;

b) the sale proceeds of the grazing in the tank bed and the grass on the bund &c;

c) produce of trees in the tank and on the bund, if any.

d) the fishery in the tank, if any;

e) the landlord's share in any crop that may be raised in the tank bed with the approval of the Panchayet.

iv) This fund shall be deposited in the Government Savings Bank or any reliable Agricultural Bank or Co-operative Society, and shall be utilized in executing the annual maintenance, restoration and repair of tanks for which the ryots are responsible.

v) The issue of water from the tank for irrigation, from time to time, should be regulated by the Panchayet. The season or time for sowing wet crops and the extent of Achkat to be put under crop and the portion out of each holding to be so cultivated by ryots in proportion to the water available should be settled by the Panchayet according to the supply of water in the tank.

vi) The Panchayet shall have power to prevent all ryots from growing sugar-cane where and when they like. Keeping in view the quantity of water available in the tank

and instead of allowing different ryóts to plant the cane in different places, a compact and suitable block may be selected as near to the bund or sluice as possible and parcelled out amongst those who want to grow the cane on such terms as regards the rent or share to be paid to the owner of the land as may be considered reasonable by the Panchayet. This will help to conserve the supply of water in the tank, to minimize the cost of hedging, lessen the trouble of watching and chances of theft.

vii) All moneys due from the defaulting villagers and others to the fund under the above rules shall be leviable as arrears of Land Revenue by the Amildar on behalf of the Panchayet.

viii) In the event of any Panchayet failing to repair the tank or maintain it in proper order, it shall be competent for the Deputy Commissioner to suspend the Panchayet take charge of its funds and enforce the Tank Maintenance Rules.

5) As regards tanks which are out of repair, a list shall be prepared in the Revenue Department in consultation with the P.W.D. where necessary, with sufficient detail showing the work required to be done --both earth-work and masonry-- the cost thereof and the existing and prospective Revenue. It should then be decided by the Deputy Commissioner in consultation with the Executive Engineer whether the restoration of any tank is expedient, having regard to the cost as compared with its Revenue and other advantages. If the decision should be in favour of its restoration it should be communicated to the Village Panchayet, who after consulting the whole village community, will be required to report whether they consent to the restoration or not and to contribute their share of the cost. The restoration or repair shall then be carried out by the Tank Agency under the Amildar with the aid and co-operation of the Panchayet who shall have a substantial

voice in giving out contracts.

6) If the amount of contribution leviable from the ryots in labour and money is more than they can bear, the Government may give them a grant-in-aid and also advance a portion of the amount required as a Takavi loan on the joint liability of the villagers according to their share of contribution towards the restoration.

7) If it be decided by the Deputy Commissioner to abandon a tank and throw the land under it out of wet cultivation, a reduction shall be made in the survey assessment of the portion due to irrigation from the tank. If on the other hand the villagers are disinclined to take up the work, they need not be compelled and the usual rules now obtaining as regards remission of half wet assessment for breached tanks may be followed till the Government or the village community are in a position to restore the tank or till it is decided to abandon it altogether. If the decision of the Committee or the villagers is

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not unanimous, the decision of two-thirds of the persons interested shall be allowed to prevail.

I/c Jeuthamadeva
Y.D. Mysore
Bangalore.

209. The Dewan desires that this note be circulated to the Councillors

C.S. Balasundaram
22/5/07

Files accompanying are -

1) Extract of subjects discussed at the last Dasara Assembly
2) Legislation file 33 of 04 - Regulation to enforce compulsory labour.
3) File No 626 of 03-04
4) Papers ending with Order No 13369 / Mis. 2064 dated 5-3-03
5) Revenue Commissioner's Note dated January 1907

Circulate
22/5/07

10 - (1) Keen -
(2) The scheme appears to be very commendable - It is the outcome of

G.R.S. 12]
General and Revenue Secretariat.

dy File No. 95 of 1910

Serial No.

of large trained experiences, fair & good =

3 I expect that people will ask that the Panchayat Tank Repair Fund shall include also the Receipts from the Irrigation Cess on lands below the Panchayat Tanks. I know of no good reason why this shd not be done - Without it, the scheme will probably fall flat on the Communities interested - With it, I expect it will command widely approval

4 Rule VII provides that moneys due to this Fund shall be leviable as arrears of Land Revenue by the Amildar on behalf of the Panchayat. It is important that the Panchayat's decrees should be in writing and that there should be some record of the data for those decrees - These and other details such as the proper keeping & rendering of accounts &c will, I daresay, form the subject of subsidiary Rules -

5 I suppose the scheme as finally framed will be published for public criticism & suggestions -

I Am Sir
Your Obt Servt

NOTE—Contn sheet

GPE—10,000—18 1-07

Serial No. 11

The proposed scheme contains the germs of an autonomous village panchayath, having for its present object the maintenance & management of the Tanks in each village. The beginnings are modest being confined to the annual repairs of tanks and the regulation of cultivation under them together with the distribution & conservation of water stored in them. The scheme has the merit of simplicity. It will teach the villagers to combine & work together for common good. The petty & vexatious quarrels now rampant as regards distribution of water, area to be cultivated, the indiscriminate sowing of sugar cane, all these evils

NOTE—Contn sheet

will be only effectively dealt with under the new scheme. The formation of the Panchayat Bank repair fund will afford the necessary monetary basis to the scheme. In the present the items of revenue enumerated will be enough until we have some experience of the working of the scheme. I would not entrust the Panchayats with the expenditure of the Irrigation Cess. This must come as the result of the success of the Panchayats as a whole.

93

(2) I have often times despaired of our tanks seeing how apathetic the most generally were in executing the annual maintenance

and no organization exists for the proper utilization of the water stored in the tanks. It is now in the power of a single ryot to waste the water of a whole season by cultivating small patches with sugar cane at the tail end of the Channel. All these matters will be brought under Control by the Agency proposed to be created.

(3) The scheme will be further useful as giving the first lessons to ryots in the art of local self government.

(4) The outlines of the scheme may be published and criticism invited.

K. Krishnamachari
20 Councillor

5/6/07

GPB—50,000—23 10-05

Submitted to His Highness.

I submit herewith s file relating to a scheme for enlisting the interest and co-operation of ryots in the matter of the restoration, maintenance and repair of tanks by the formation of Village Panchayets. The notes of the Revenue Commissioner, the Councillors and myself in the file explain the proposals in detail. If the main lines of the scheme as stated therein are approved by His Highness, I shall have the draft scheme published in the Gazette for suggestions and criticisms. The scheme may be finally considered in due course.

V. P. Madhava Rao
27/8/1907

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NOTIFICATION.

The following scheme for the constitution of village panchayets is published for general information. Any criticisms on the scheme and any suggestions may be sent to the Secretary, General and Revenue Departments, before the end of August 1907, after which date the question will be taken up for consideration by Government:-

(3) It has always been recognized that the responsibility for the maintenance of tanks rests upon the ryots who derive benefit from them, and so far back as 1873, a set of rules were framed by the Chief Commissioner of Mysore (Notification No.65 dated the 2nd October 1873) for the maintenance of tanks brought to standard and handed over to the ryots for upkeep. The maintenance of such tanks is being enforced under these rules. In Government order No.R.5251-61/Agrl.626-03-6, dated the 15th December 1904, these rules were slightly amended.

(4) It has, however, been found as a matter of experience that the strict enforcement of the Rules is attended with difficulties of sorts, and has, in some instances, in spite of the measures taken to temper the severity of their provisions, been attended with hardship to individual villages. The village officers on the other

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hand, have been slack in the enforcement of the Rules with the result that many tanks have been allowed to deteriorate, some to a serious extent.

(2) Government think that this unsatisfactory result is mainly due to the fact that this important work has been treated as one in which Government is solely concerned and for which Government agency is alone responsible -- the principal factor in the problem, namely, the ryot owning lands under the tank, having been all along ignored. Nothing has been done to interest the ryot in the tank and to secure his willing and intelligent help and co-operation in the matter of its repair and maintenance. The remedy to the present unsatisfactory state of things appears to Government to lie in giving the ryots a voice in the measures necessary for the maintenance of their tanks and also giving them powers to execute the necessary works together with control over the funds that may be set apart for the purpose. With this view, Village Panchayets may be constituted, the rules for their working being somewhat on the following lines:-

1. The existing rules based on long recognized practice laying down the liability of ryots to maintain all tanks brought up to standard and to restore certain minor tanks will be left undisturbed.

2. The construction and repair of major tanks will be dealt with by the Public Works Department as at present.

3. As regards the annual maintenance (as defined in appendix A of the rules of 1904) such as earth work and turfing for restored tanks both major and minor, and for

the restoration, maintenance and repair of minor tanks, a village panchayet will be constituted in each village or group of villages composed of the Patel , Shanbogue and three or more villagers of means and respectability who will be elected by the villagers themselves, and who will hold office for a period of three years.

(a) The electoral body shall include all holders of wet and garden lands below the tanks in the village or villages under the control of the panchayet, and holders of dry lands in the village of villages paying not less than Rs.10/- as land revenue and ryots paying not less than Rs.5/- as mohatarfa, who are liable for the maintenance of the tanks.

(b) Election to the panchayet will be restricted to persons paying Rs.50/- kandayam for wet or garden lands or Rs.20/- for dry lands as land revenue or Rs.10/- as mohatarfa. Not less than one-fourth of the elected members on the panchayet shall be elected by the dry land-holders and mohatarfa paying inhabitants and the others by the wet and garden land-holders.

(4). The powers and duties of the panchayets shall be as follows:-

(i) They shall have power to apportion the work of repair required for the tank or tanks among the holders of lands under the tank and others according to existing rules

subject

subject to a right of appeal to the Amildar.

(ii) They shall fix the wages of labour per diem (maximum and minimum to be laid down by Government) payable by a ryot who fails to do the work allotted to him or who prefers to commute his quota of labour into a money payment.

(iii) They shall have control over a fund to be called the Panchayet Tank Repair Fund, which will for the present consist of the following items:-

(a) The amount collected from ryots who preferred to commute their quota of labour into a money payment.

(b) The sale proceeds of the grazing in the tank bed and the grass on the bund etc.

(c) Produce of trees in the tank and on the bund, if any.

(d) The sale proceeds of the fishing in the tank if any.

(e) The land-lords share in any crop that may be raised in the tank bed with the approval of the panchayet.

(f) Any grant which the Government may make to the fund.

(iv) This fund shall be deposited in the Government Savings

Savings Bank or any reliable Agricultural Bank or Co-operative Society and shall be utilized in executing the annual maintenance, restoration and repair of the tanks for which the ryots are responsible.

(v) The issue of water from the tank for irrigation from time to time shall be regulated by the panchayet. The season or time for sowing wet crops and the portion out of each holding to be so cultivated by ryots in proportion to the water available should be settled by the panchayet according to the supply of water in the tank.

(vi) The panchayet shall have power to prevent all ryots from growing sugar-cane where and when they like. Keeping in view the quantity of water available in the tank and instead of allowing different ryots to plant cane in different places a compact and suitable block may be selected as near to the bund or sluice as possible and parcelled out among those who want to grow the cane on such terms as regards the rent or share to be paid to the owner of the land as may be considered reasonable by the panchayet. This will help to conserve the supply of water in the tank to minimize the cost of hedging and lessen the trouble pf watching and chances of theft.

(vii) The Panchayets shall have the power to grant the tank bed for temporary cultivation of quick growing crops on such terms as regards rent as may be deemed fit by it. The grant of such permission and the terms will be immediately reported to the Amildar of the Taluk.

(viii) All moneys due from the defaulting villagers and others to the Fund under the above rules shall be leviable as arrears of land revenue by the Amildar on behalf of the panchayet.

(ix) In the event of any panchayet failing to repair the tank or maintain it in proper order, it shall be competent for the Deputy Commissioner to suspend the panchayet take charge of its funds and enforce the tank maintenance Rules.

(x) The Government may from time to time add to, or amend these rules as it deems proper and each panchayet may with the santion of Government, make subsidiary rules, not inconsistent with the rules framed by the Government for its working.

5. As regards tanks which are out of repair, a list shall be prepared in the Revenue Department in consultation with the Public Wokrs Department where necessary, with

sufficient

sufficient detail showing the work required to be done -- both earth work and masonry-- the cost thereof and the existing and prospective revenue. It should then be decided by the Deputy Commissioner in consultation with the Executive Engineer whether the restoration of any tank is expedient, having regard to the cost as compared with its revenue and other advantages. If the decision should be in favour of its restoration it should be communicated to the Village Panchayet, who after consulting the whole village community, will be required to report whether they consent to the restoration or not and to contribute their share of the cost. The restoration or repair shall then be carried out by the tank agency under the Amildar with the aid and co-operation of the panchayet who shall have a substantial voice in giving out contracts.

6. If the amount of contribution leviable from the ryots in labour and money is more than they can bear, the Government may give them a grant-in-aid and also advance a portion of the amount required as a Takavi loan on the joint liability of the villagers according to their share of contribution towards the restoration.

7. If it be decided by the Deputy Commissioner to

abandon

1829 7-9-11

abandon a tank and throw the land under it out of wet cultivation a reduction shall be made in the survey assessment of the portion due to irrigation from the tank. If on the other hand the villagers are disinclined to take up the work they need not be compelled and the usual rules now obtaining as regards remission of half wet assessment for breached tanks may be followed till the Government [redacted] or the village community are in a position to restore the tank or till it is decided to abandon it altogether. If the decision of the Committee or the villagers is not unanimous, the decision of two-thirds of the persons interested shall be allowed to prevail

33 7/6/1907

V Madhavarao

Leg Proc 83

Record of Case submitted for the orders of His Highness the Maharaja

Subject.

28.6.07 No. 1017

Scheme for enlisting the interest and co-operation of ryots in the matter of the restoration, maintenance and repair of tanks.

Order.

13. The scheme has, no doubt, much on the face of it to recommend it, but I am inclined to doubt whether it is yet ready for submission to public criticism. The immediate object of the scheme is important but the ulterior object is much more so being nothing less than the revival of the village panchayat and the village communal spirit. Whether such a revival is possible under modern conditions is a matter of some doubt. But the experiment is worth trying. On the other hand I see nothing to be gained by and much possible disadvantage in undue precipitancy. The scheme set forth in these papers cannot be said to be more than a sketch and before it is put before the public I think we should have the views of the Depy Commissioners, subdivisional Officers

reverse is the case and we are committed to the public discussion of a number of thorny and embarrassing questions. This aspect of the case has not been referred to on this occasion, but it is one that cannot be ignored.

(3) The proposed notification should be recast in the form of a circular. It seems to me also unnecessary to condemn past practice and its results wholesale or, at this stage, to associate Government definitely with a policy that is merely put forward for discussion. I doubt the desirability of proclaiming the "severity" of provisions which may after all have to continue in force or of putting forward the views expressed on p. 2, as being what "Government think". I suggest that it is only necessary to state broadly that the working of the existing rules has not been altogether satisfactory and to invite the views of the Officers concerned on the alternative scheme, which Govt have had under their consideration.

(4) Briefly I desire that before I am asked to sanction the adoption of the scheme as a Government measure and its publication for criticism, the opinions of the District Officers may be obtained and the legislative aspect of the case fully considered.

K.A.M.

8/7/07

35

The draft scheme may be sent to the Rev. Com'r and the Deps Comm in the form of a circular and their opinions invited.

S. This is done on the authority of a DO from the Private Secretary to His Highness

V. Prabhakara Rao

27 July 07

My dear Sir

I herewith return the file relating to the Tank maintenance Scheme which you gave me the other day. The Contract D.C. complete is also in the packet. The letter does not contain the Devans D.C. to Mr Mavonochie. It was not there when you gave

27th July 1907

My dear Sir,

I herewith send for your perusal the file relating to the Tank Maintenance Scheme together with the confidential correspondence in connection with it. It has only been just received from the Joint Councillor

Yours sincerely

Chairman

K. P. Puttanna Chetty Esq.

Dear Mr. Matheson,

I return the file
with thanks

yours sincerely
W. Mitchamore

28/7/07

The confidential papers
are in the file

G. R. S. 12]
General and Revenue Secretariat.

Leg - 99 - 10

File No. 19 of 1907

57

Serial No.	
	To the Rev. Comnr &
1.	the Chief Engr
	No R 885 & 886 of 5/8/07
	forwards the draft scheme for the constitution of Village Panchayats for the maintenance of tanks and requests the submission of their opinions on the same together with those of the Dy Comnrs and Superintending & Executive Engrs.
2.	From the Rev Comnr.
	No C. 88 of 4.10-07
	Submits his opinion together with those of the Dy Comnrs of S &
3.	From the Chief Engineer
	No. 7368 of 16.10-07.
	Submits his opinion together with those of the Superintending & Executive Engrs on the scheme

Urgent

GOVERNMENT OF MYSORE

Mysore
6th Oct. 1907.

My dear Sir,

I am directed by the Dewan to send for your perusal the file relating to the establishment of Village (Taluk) Panchayets, with the Revenue Commissioner's letter containing his views as well as the views of the Deputy Commissioners. I am also to request that the file may, after perusal be passed on to the Second Councillor.

I am
Yours sincerely
K. Kaitharam
Kaitharam

J. Anandarao Esq
P.M.O.

Papers to the Second Committee

[illegible]

[illegible] returned to the Undersecretary with the remarks.

I agree generally with the Revenue Commissioner's opinion, that the Revenue [illegible]

as a body. or of
selected members
of it, may I think
be invited.

R. R. Rattenbury

8/10/07

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

39

Mr D'Souza,

16. Will you please get together all available refes & send them - yrs

CAB

Abdulgaffoor

12/10/07

Lr Rs Chairman Rao
will attend
at once
&
12/10/07

My dear Balasundaram Iyer,

I herewith send the Village Tamil Panchayat file received from you on the 6th inst together with the Rev. Comr's no. C.88 of 4-10-07 & his enclosures on the subject. This has been registered in this office.

(2) The Rev. Comr's letter has been seen by the Councillors.

(3) The Dewan has directed that a draft bill might be prepared embodying all the points on which legislation is necessary. If you will kindly send all available refes on Tank maintenance here and in British India & any enactments of similar legislation elsewhere, I shall try to prepare a bill.

(4) The Dewan desires that this may be treated as immediate

Yrs sincerely
Malleson
R Malleson

11/10/07

N. B.—Should routine-notes be written on small Slips, the notes must be copied, or slips pasted on this form.

G.R.S. 13]

X

40

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

17.

The available codes were searched and the following are the Acts & Regulations having a bearing on the subject

P. 416 Bombay Code Vol II — Bombay Act VII of 1879

P. 98 Bengal Code Vol II — Bengal Act III of 1876

P. 100 Punjab Code — Punjab Act VIII of 1873

P. 127 Madras Code Vol II — Madras Act I of 1858

40

There is an Index to enactments in force in Br India. A copy of it is in the Legislative Library. It has been taken to Hyd. If it is consulted some other Acts may be traced. There is a printed alphabetical list in the P. W. D. Secretariat containing all the discussions that

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30,000—11-4-06.

Leave Cotton Place as
the Architect. If the office
is closed it will be
obtained from Commissioner
&
17/10/07

The Dewan has directed that
the paper may be forwarded to the
Revenue Commissioner who may be asked
to prepare a draft bill ~~on the points~~
including all the amendments which
legislation is necessary. B.P.
by
31/10/07

B of L
Treasury
CSB
2/11
[illegible]

Submitted with a draft.

[illegible]
[illegible]
[illegible]

Leg 7-25 Nov 42

G.R.S. 13].

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Ed S' Letter No 5642 of 29/11/07
From the Rev. Comm
Returns the file forwarded with Serial 4

Serial 6
Letter No. 6283 of 16th Dec 1907 from Mr A. Rangaswami Ayengar, Nellore, forwarding a copy of Draft Tenth Regulation, together with the draft of the Statement of Objects and Reasons.

Ed 18

The letter is addressed to the Secretary to Govt Leg Dept. Mr Rangaswami Ayengar may perhaps be requested to obtain the sanction of the Govt for the introduction of the Regulation in the next meeting of the Legislative Council as required by the Legislative Council Regulation and then to forward a notice of the date of the Legislative Council Secretary. The proper papers have not been received in this

41

(Seen by the writer the Hon'ble Secy?)

18/12/07 Please put up a draft to the Hon'ble Member for the Law Dept of the Govt of India to place the measure before the Legislative Council

18-12-07

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-9-04

G.R.S. 13]

dcg 7 29-12-07 (43

Routine Notes.

[To be used only for r tes, requisitions, etc., not intended for permanent record.]

22 As per Secretary's directions, forwarded to the Under Secretary on duty with the Dewan for submission to the Dewan -

23 On the Bill, a few pencil alterations are suggested, which will be made, if approved.

21.12.07 HHM
K Mayan Nair

7366
21.12.07

42

Dewan's order

Please circulate to Council.

K Mayan Nair
22/12

Circulate
HB
23/12

Submitted to the 2nd Cr.
23.12.07. HHM

(Clerk)

May be approved. The details will of course be discussed in the Legislature Council
R.P. Sastri
24/12/07 HHM

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-9-04

G.R.S. 12]
General and Revenue Secretariat.

File No. 25 of 1910

(44

Serial No.

25. (1) The drafts may be approved.

(2) There are various suggestions contained with regard to the Governor's Constitutional Instructions.

(3) It will be an advantage to compare the Emergency Clauses of the draft Regulations 17 & 21 with others on the subject issued elsewhere in the Eastern Colonies. I shall be glad to see a copy of these Orders in the files below.

Nov 5th 1910

Downie
1.08

CAB
7/11/08

43

Serial No. 26-(1) On further consideration of the matter I do not think that it is desirable or necessary just now to legislate about the whole question of the construction, repair and maintenance of tanks and the obligations of ryots. This would involve the consideration of many questions which are not free from difficulty. We may for the present confine ourselves to the question of constituting Panchayets and defining their duties and powers, leaving the customary obligations of the ryots as they are.

(2) I have therefore revised the draft bill so as to include only the question of the constitution powers and duties of panchayets. A revised Statement of Objects and Reasons, as well as a revised draft letter to the Residency are also put up.

146

(3) I shall be obliged if the Councillors will favour me with their views as early as possible.

V. P. Madhava Rao
15/5/1908

Submitted to the Councillors.

15/5/08

Serial No. 656

9.5.08

27

The revised draft bill with the Statement of objects and reasons may be approved.

(2) The resolution not to bring the customary obligations of the ryots within the arena of legislature discussion is a wise one. No additional burden is cast on the ryots. On the other hand, several sources of income now credited to the general revenues have been assigned to the newly-to-be-constituted Panchayats. The power to regulate water supply and to restrict wet cultivation with due regard to the amount of water stored in the tank is one the importance of which cannot

45

Serial No.

be exasperated. The Panchayat may gradually be trained to use this power to the best interest of the ryots & the Government. To crown all, it is proposed to grant ½ remissions for dari banjar, a concession for which the ryots have prayed in vain for the past 30 or 40 years. This equitable measure will be a boon to the suffering ryots and will be hailed with delight throughout Mysore.

(3) The broad features of this Bill are quite acceptable from the ryots' point of view. Details will of course be discussed in the Legislative Council.

K. Puttanna
18/5/08 P.I.C.

C 714
14-5-08

NOTE—Contn sheet.

GPB—50,00017—3-07

G. R. S. 12]
General and Revenue Secretariat.

C714 dg

File No. 29 of 1908

1, 8

Serial No. 28.

First Councillor's Note.

Dated Bangalore, 21st May 1908.

I agree in the proposed piece of legislation and wish to offer the following remarks.

(2) Among the items which go to make up the Tank Fund as enumerated in clause 9 of the Bill, item(g) reads as follows:-

"(g) Any other grant which Government may make to the fund". I would omit this. In view of all the other items which go to constitute the Fund, it seems to me that either no special grant would be justifiable at all, or would be so rarely justifiable that it is not worth-while including it in the legal enactment and running the risk of Govt being troubled with too frequent importunities for State grants. A State grant would also be the less necessary in view of item (f) which concedes the irrigation cess collected in (or appertaining to) the village.

(3) Among the items which go to constitute the Fund (clause 9), I would mention "contributions from ryots"

NOTE—Contn sheet.

GPB-50 000—17-3-07

Serial No.

ryots". These contributions are demanded and paid on the principle of 'betterment' which I am sorry appears to be falling into dis-use.

(4.) Clause 14 may perhaps be recast with advantage so as to give greater latitude to the local Panchayets in the matter. Clauses 4 and 5 of the previous draft which are more general in their wording appear to be more suitable. They appear to be analogous to the Block system of irrigation in force in parts of Bombay, and leave the constitution of the Blocks and the selection and assignment of crops to the discretion of the local Panchayet.

(5.) I would beg that in the Statement of Objects and Reasons relative to clause 14, the last two paragraphs commenting on the Mysore Land Revenue Settlement and comparing them with Bombay and Madras may be omitted. They introduce much debatable matter, and may raise an alarm that the integrity of the Settlement is in danger, which, in my opinion, ought not to be, and in my belief is not, the case. If any body objects to the remission of half assessment on occupied wet lands compulsorily

GPB—50 000—17-3-07

Serial No.

compulsorily left uncultivated under the Panchayet system now proposed, them the objection can be discussed with a due regard to the terms in which it is advanced.

First Councillor.

49

GPB—50 000—17-3-07

Extract from the Proceedings of the 199th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 22nd May 1908.

Subject. - (Clause ii of the Schedule).

The Village Tank Punchayet Bill.

O P I N I O N.

The First Councillor does not press the amendments to Clause 9 of the Bill referred to in paras 2 and 3 of his note in the file and he also considers that the remarks in the Statement of Objects and Reasons relating to Clause 14 of the Bill may remain as they are. As regards the wording of Clause 14 referred to in para 4 of the First Councillor's note the Council thinks that the principle of the Clause being accepted any revision of wording may be left to be effected in the Select Committee.

The

The Council is of opinion that the Bill as now drafted may be placed before the Legislative Council in due course after the Hon'ble the Resident is informed of the proposed legislation.

(Sd) V. P. Madhava Rao,
Dewan of Mysore.

"Extract"

Offg. Secretary to Government.

57

Leg 7-9-10 153

Submitted to His Highness.

30

C As directed by His Highness in his order dated 8th July 1907 and in Mr. Maconochie's D.O. letter of the 17th idem, the draft scheme for the constitution of Village Panchayets for the maintenance of tanks generally and for the repair and restoration of minor tanks was sent to the Revenue Commissioner for obtaining the opinions of the District Officers.

(Vide linked file) Encl. to H.D.

(2) All the Deputy Commissioners except the Deputy Commissioner of Hassan (Mr. K.R.Srinivasiengar) are in favour of the proposed scheme. They think that the unsatisfactory way in which the annual tank maintenance is now carried on is chiefly due to want of co-operation among the ryots, that under the present system the ryots do not take sufficient interest in their tanks, that the proposed scheme will go a great way towards creating such interest and that the scheme would supply a much felt want. The Deputy Commissioner of Hassan considers that the essential factors for successfully working the scheme, viz., a spirit of unity and co-operation, education and a sense of obligation to work for the common welfare, are wanting in the villagers, and he is rather sceptical about the benefits to be derived from the formation of panchayets indiscriminately in all villages. He therefore proposes that if the scheme is to be introduced, it should at first be introduced in a few selected villages only in each taluk. Some of the other Deputy Commissioners also, while welcoming the proposed scheme, refer to the necessity for carefully

watching and fostering it in its earlier stages.

(3) The Revenue Commissioner while admitting the force of these observations, is strongly in favour of the proposed scheme. I would invite special reference to para 8 of his letter No.C.88 dated 4th October 1907, where he discusses at some length the desirability of the scheme and the safeguards that should be adopted for ensuring its success.

H D (linked file)

(4) There being thus a more or less general consensus of official opinion in regard to the desirability of the proposed scheme, it was thought that before submitting it to public criticism, the question as to how far resort should be had to legislation in order to give effect to the scheme might also be considered. The Revenue Commissioner was requested to prepare a draft bill, including in it all the matters for which legislation was necessary. He accordingly submitted a draft bill which not only made provision for the constitution of Village Panchayets for the maintenance and restoration of tanks as originally proposed, but was also intended to define, consolidate and supplement the existing law (as contained in executive orders having the force of law) in regard to the whole question of the construction, restoration, repairs and maintenance of tanks.

53

(5) The draft bill was circulated to the Councillors and was approved by them; but on further consideration I was of opinion that it was unnecessary and even undesirable to complicate the scheme of forming Village Panchayets by attempting to legislate on the whole question of the construction, restoration, repairs and maintenance of tanks. Bringing the subject of enforced tank maintance especially

Leg 7-29-10 155

into the legislative arena involves the public discussion of a number of thorny questions, and there is no object in discussing these questions now. Our purpose is only to resuscitate the ancient institution of the Village Panchayet for purposes of tank maintenance and to revive the communal spirit. What is now proposed to be done is to create a new agency for enforcing the existing obligations of the ryots in regard to tank maintenance ~~and~~ no additional duties and responsibilities are proposed to be imposed on the ryots. In these circumstances it is best not to raise the question of the legal sanction on which these obligations of the ryots rest. In this view I have revised and redrafted the bill, omitting from it everything that has no bearing on the question of formation of Panchayets.

(6) The revised Statement of Objects and Reasons fully explains the scope of the bill. The bill with the Statement of Objects and Reasons was considered by the Council at its meeting held on the 22nd instant and I submit herewith an extract containing the opinion of the Council on the subject.

57

(7) If approved by His Highness, the Hon'ble the Resident will be consulted as to the proposed legislation, and the bill will afterwards be introduced in the Legislative Council, when the public will also have an opportunity to fully criticise it.

V. R. Krishnamachari
27/5/1908

Dy 7 98-10 150

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

28.5.08
945

Draft scheme for the constitution of Village Panchayets for the maintenance, repairs etc. of tanks.

Order.

10/08

Approved

KRW

23/6/08

9/79
3.7.08

Seen
1/7/08

Submitted with a copy of the D.O. sent to the Residency
4.7.08.

Pointed out to the Secy a slight mistake in the Council Resolution when

G. R. S. 12]
General and Revenue
Secretariat.

Leg File No. 9 of 1906. 57

Serial No.

From No. 1185 dated 26th June 1905
To the Hon'ble the British Resident
at Mysore, Bangalore

Forwards a copy of the draft ~~Bill for the constitution of Village Panchayats to carry out the annual maintenance works & Tanks~~ Tank Panchayat Bill with a statement of objects and reasons and informs that it is proposed to place the same before the Legis. Cl. in due course.

57

1th sheet.

GPB

THE VILLAGE TANK PANCHAYET BILL.

Preamble.

WHEREAS the customary obligations of raiyats in Mysore in regard to the maintenance of major tanks and the restoration, repair and maintenance of minor tanks, have not been satisfactorily carried out in the past; and

WHEREAS this result is mainly due to the disappearance of the communal spirit among the raiyats and to the absence of sufficient inducements to make them take an interest in their tanks; and

WHEREAS with a view to remedy these defects and to revive the communal spirit among the raiyats, it is expedient to constitute village panchayets to have control over the tanks and to administer the funds that may be assigned for their restoration, repair and maintenance;

His Highness the Maharaja is pleased to enact as follows:—

Short title.

1. (1) This Regulation may be called the "Village Tank Panchayet Regulation, 1908."

Local extent.

(2) It extends to the whole of Mysore; and

Commencement.

(3) it shall come into force on the first day of January 1909.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context—

(1) "Tank" means any source of irrigation and shall include an anicut, a voddu, a talparige; and a channel whether used as a feeder, irrigation or distribution channel and whether drawn from a tank, anicut, river, or water course.

(2) "A major tank" means a tank the annual assessment on whose irrigable area is not less than Rs. 300 and shall also include such other tanks as the Government may for any reason notify as major tanks;

All other tanks are "minor tanks."

(3) "Construction" means the creation of a new tank.

(4) "Restoration" means restoring to an efficient condition a tank which, from neglect, accident or other cause, has fallen into disuse or become impaired or less efficient than formerly.

(5) "Improvement" means increasing the capacity of a tank so as to provide additional water for irrigation or otherwise rendering it more useful for purposes of irrigation.

(6) "Maintenance" means works of petty repair required to keep or maintain a tank at the standard of safety that may be fixed for it after its construction, restoration or improvement, and includes the following:—

(i) The maintenance of the bund to the standard level and with the slopes specified, the specification of the level and slope being in accordance with the existing state of

things and being approved both by the Executive Engineer and the Deputy Commissioner of the District.

(ii) The filling up of gullies or other inequalities caused by rain, the treading of cattle, etc., upon the bunds of tanks and channels.

(iii) The checking of the growth on bunds of prickly-pear, and any similar rank and pernicious weed.

(iv) The clearing of any underwood from the bunds of tanks wherever it may be injurious.

(v) The clearing and repair of the earth-work of petty and branch channels, and the clearing away of the accumulations in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields.

(vi) The keeping in order the supply channels of tanks.

(vii) The watching of the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluice, and generally the performance of minor duties of this nature in order to prevent breaches and other accidents.

(7) "Repair" means special repairs rendered necessary by storm, flood, or other unforseen accident.

(8) "Village" includes a group of villages for which a Village Tank Panchayet may be constituted or where such Panchayet is constituted for the control of a tank or group of tanks, the area comprised within such limits as the Government may direct.

(9) "Raiyats" shall include Pattadars, Shikmidars, Inamdars and others holding lands attached to the village, either dry, garden or wet, and inhabitants of the village and all others deriving any benefit whatever from the tank either directly or indirectly.

(10) "Patel" and "Shanbhog" mean the persons officiating as patel and shanbhog, respectively, of the village, and where a Village Tank Panchayet is constituted for a group of villages or for a tank or group of tanks, such one of the patels and such one of the shanbhogs, respectively, as may be selected by the Government for the purposes of this Regulation.

Constitution of Village Tank Panchayets.

3. For the effectual carrying out of the customary obligations of the raiyats in regard to the restoration, repair and maintenance of tanks, and for the better regulation of the use of water from tanks for purposes of irrigation, there may be constituted for any village, where the Government may consider it expedient to do so, and where a majority consisting of not less than two-thirds of the raiyats so desire, a Village Tank Panchayet composed of the patel and the shanbhog and three or more members elected by the raiyats as hereinafter prescribed;

Provided that instead of constituting a Village Tank Panchayet for a single village, the Government may, in special cases, constitute a Village Tank Panchayat as above for any specified tank or group of tanks or for a group of villages.

Qualifications for election to Panchayet.

4. Subject to the disqualifications mentioned in Section 5, every raiyat who

(*a*) owns wet or garden lands in the village on which the annual assessment is not less than Rs. 50, or

(*b*) owns dry lands in the village on which the annual assessment is not less than Rs. 20, or

(*c*) pays in the village an annual mohatarfa tax of not less than Rs. 10,

shall be qualified for election to the Panchayet.

Provided that the Government may, by notification published in the official Gazette, reduce, for any local area, the minimum amounts of assessment or mohatarfa tax prescribed above.

Disqualifications for election to Panchayet.

5. No person may be elected as a member of a Panchayet,

(*a*) who has been sentenced by a Criminal Court for an offence which in the opinion of Government implies moral turpitude, such sentence not having been subsequently reversed or quashed, or

(*b*) who has been declared an insolvent, or

(*c*) who is less than 21 years of age, or

(*d*) who is of the female sex.

Number of elected members of Panchayet.

6. The number of elected members of a Village Tank Panchayet shall be fixed by the Deputy Commissioner; and of the number so fixed such number, not less than one-fourth or more than one-half, as may be decided by the Deputy Commissioner, shall be elected by the raiyats holding dry lands and paying mohatarfa but not holding wet and garden lands, from among themselves; and the rest shall be elected by the raiyats holding wet and garden lands with or without dry lands, from among themselves.

Term of office of elected members.

7. The elected members of a Village Tank Panchayet shall hold office for a term of three years.

Patel to be Chairman of Panchayet.

8. The Patel shall be the Chairman of the Village Tank Panchayet and shall conduct all correspondence on behalf of the Panchayet.

The Tank Fund.

9. (1) The Panchayet shall have control over a fund to be called the Village Tank Fund, made up of the following items:—

(*a*) the amounts collected from raiyats under Section 11;

(*b*) the rent or value of the share of produce received under Section 12;

(*c*) the sale proceeds of the right of fishing in the tank, if any;

(*d*) the sale proceeds of the right of grazing in the tank bed and of the right of cutting and removing the grass on the tank bund;

(*e*) the sale proceeds of the produce of the trees in the tank and on the bund, if any;

(*f*) such grant out of the irriagation cess fund collected in the village, being either the whole

or a portion thereof, as the Government may from time to time make to the fund;

(*g*) any other grant which the Government may make to the fund;

(*h*) any advance which the Government may make to the Panchayet under Section 15 for the execution of the masonry and stone work; and

(*i*) any loan which the Government may make to the Panchayet for carrying out the purposes of this Regulation.

(2) The fund shall be deposited in the Government Savings Bank or with any Agricultural Bank or Co-operative Society approved by the Deputy Commissioner, and shall be utilised by the Panchayet in executing the annual maintenance works of the major and minor tanks and the repairs of the minor tanks under its control, and for the construction, restoration or improvement of any minor tank, which may be entrusted to the Panchayet under Section 15.

(3) An account of the administration of the fund during each official year shall be submitted by the Panchayet to the general body of the raiyats at a meeting to be held within one month after the close of the official year.

Power of Panchayet on coming into existence.

10. When a Village Tank Panchayet comes into existence under Section 3, the enforcement of the customary obligations of the raiyats, for the repair and maintenance of all the tanks in the village, as laid down in the Chief Commissioner's Notification No. 65, dated 2nd October 1873 with the alterations made by Government Notification No. 5262 - Agl. 626-03-7, dated 15th December 1904, shall thereafter vest in the Panchayet;

Provided that the Government may exclude any tank or tanks in the village from the control of the Panchayet.

Power of Panchayet to apportion repair and maintenance work among raiyats or to carry out work and recover cost from raiyats.

11. (1) The Panchayet shall have the power to apportion the work required for the repair or maintenance of the tank or tanks under its control, among the raiyats according to their respective obligations.

(2) If a raiyat fails to do the work allotted to him or prefers to commute his quota of labour into a money payment, the Panchayet shall itself get the work done out of the funds at its disposal, recovering from him the cost of such work as fixed by it.

(3) For determining the amount to be recovered from a raiyat under the last preceding sub-section, the Panchayet shall have the power to fix the wages of labour per diem, subject to such maximum and minimum rates as may be laid down by the Government.

Power to grant tank bed for cultivation

12. The Panchayet shall have power to grant the beds of the tanks under its control for temporary cultivation of quick-growing crops on such terms as regards payment of rent or share of produce as may be deemed fit by it.

Power of Panchayet to regulate the issue of water for irrigation

13. The Panchayet shall have power to decide on the time for commencing the sowing of wet crops on the wet lands below the tanks under its control and to regulate the issue of water for irrigation from such tanks.

Power to protect wet cultivation

14. (1) A Village Tank Panchayet, specially empowered by Government in this behalf, may, in any year, having regard to the quantity of water available in any tank under its control,

(*a*) determine the portion, out of all wet lands in the irrigable area of such tank, to be cultivated with wet crops and confine the supply of water for irrigation to such portion;

(*b*) refuse to allow water from the tank for the cultivation of sugarcane to all or any of the lands in its irrigable area;

(*c*) select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of growing sugarcane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

(2) No such power as is referred to in sub-section (1) shall be conferred on a Village Tank Panchayet in regard to any tank under its control except with the consent of a majority of not less than two-thirds of the raiyats holding wet lands under such tank.

(3) If, in accordance with a decision of the Panchayet under clause (*a*) of sub-section (1), any land assessed as wet is not supplied with water for irrigation, the holder of such land shall be entitled to remission of half the assessment of such land.

Panchayet may be entrusted with construction, restoration and improvement of minor tank.

15. (1) If, with the approval of a majority of not less than two-thirds of the raiyats who would derive benefit from the construction, restoration or improvement of a minor tank, a Village Tank Panchayet agrees to undertake the construction, restoration or improvement, as the case may be, of such minor tank, the execution of all the necessary work, with the exception of the masonry and stone work, may be entrusted to the Panchayet.

(2) The masonry and stone work required shall be executed by the Government at its cost; but if the Panchayet undertakes to execute it, such work may also, at the discretion of the Deputy Commissioner, be entrusted to the Panchayet, the estimated cost of such work being advanced to the Panchayet by the Government.

(3) The Panchayet shall be bound to have all the work entrusted to it executed according to the specifications and constructive details furnished by the Deputy Commissioner and within such time as may be allowed by the Deputy Commissioner.

Recovery of moneys due to Tank Fund.

16. All moneys due to the Village Tank Fund shall, in default of payment by the person from whom such moneys may be due, and on the application of the Panchayet, be recoverable by the Deputy Commissioner as arrears of land revenue.

Power of Government to abolish Panchayet in case of incompetency, default or abuse of powers.

17. (1) If, in the opinion of the Government, any Village Tank Panchayet is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the Official Gazette, abolish the Panchayet.

(2) When a Panchayet is so abolished—

(*a*) the members of the Panchayet shall, as from the date of the order, vacate their offices as such members; and

(*b*) the Deputy Commissioner shall take charge of the funds of the Panchayet, if any, and shall enforce the customary obligations of the raiyats in the same manner as if the Panchayet had not been constituted and may utilise such funds for the purposes referred to in Section 9 in the same manner as the Panchayet may have utilised the same.

(3) A Panchayet thus abolished may, after such time as the Government may think fit, be reconstituted under the provisions of Section 3.

Obligation of the raiyats under the ordinary law unaffected.

18. Nothing in this Regulation shall be deemed to relieve the raiyats of any of their obligations under any law, or any rule, order or custom having the force of law, in regard to the restoration, repair and maintenance of tanks.

Power of Government to make rules and the matters in regard to which rules may be framed.

19. (1) The Government may, for the whole or any part of Mysore, or for any Panchayet or group of Panchayets, make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may,

(*a*) provide for the preparation of lists of persons qualified to vote under Sections 6, 14 and 15 and of persons qualified for election to the Panchayet under Sections 4 and 5;

(*b*) prescribe the procedure to be adopted at meetings of voters;

(*c*) prescribe the procedure to be adopted by Panchayets at their meetings;

(*d*) prescribe the accounts and books to be kept by the Panchayet and provide for the audit of such accounts;

(*e*) prescribe the accounts, returns and reports to be furnished by Panchayets.

STATEMENT OF OBJECTS AND REASONS.

There are numerous tanks both large and small in the Mysore State on the proper upkeep of which the prosperity of the country depends. It has always been recognised that the responsibility for the upkeep of tanks rests upon the raiyats who derive benefit from them, and, so far back as 1873, a set of rules was framed by the Chief Commissioner of Mysore (Notification No. 65, dated the 2nd October 1873) for the enforcement of the customary obligations of the raiyats in regard to the maintenance of tanks which have been restored and handed over to them for upkeep. It is under these rules as slightly modified by Government Notification No. R. 5262—Agri. 626-03-7, dated the 15th December 1904, that the maintenance of restored tanks is at present enforced.

2. It has however been found as a matter of experience that on the one hand the enforcement of the rules is attended with various difficulties due mainly to the disappearance of the communal spirit among the villagers, and that on the other hand the village officers who have been entrusted with the enforcement of the rules, have been slack in the discharge of this duty, with the result that many tanks have been allowed to deteriorate, and some of them to a serious extent.

3. This unsatisfactory result appears to be traceable to the fact that the maintenance of tanks has been treated as one in which Government is solely concerned and for which Government agency is alone responsible, the principal factor in the problem, namely, the raiyat owning lands under the tank, having been more or less ignored. Nothing has been done to interest the raiyat in the tank, and to secure his willing and intelligent help and co-operation in the mater of its repair and maintenance. The remedy to the present unsatisfactory state of things would appear to lie in giving the raiyats a voice in the measures necessary for the maintenance of their tanks and also giving them powers to execute the necessary works together with control over the funds that may be set apart for the purpose. With this view it has been considered expedient to constitute village panchayets composed of the patel and the shanbhog of the village and three or more members elected by the raiyats from among themselves. The object of the present bill is to authorise the constitution of such panchayets and to lay down their powers and duties.

4. It may be noted at the outset that the bill does not contemplate the compulsory constitution of panchayets in places where the raiyats do not wish to have them. The panchayets are to be formed only in places where a majority of not less than two-thirds of the villagers desire to have panchayets constituted. Nor does the bill impose any additional obligations on the raiyats in regard to tanks and their upkeep. The existing rules based on long recognised practice laying down the liability of raiyats to maintain all tanks brought up to standard and to restore certain minor tanks are left undisturbed. The bill only alters the agency by which this liability is to be enforced and substitutes the agency of panchayets composed mostly of members elected by the raiyats themselves, in place of the purely official agency now existing. And in order to create in the raiyats a sense of responsibility and the feeling that both the Government and they are jointly interested in the proper upkeep of the tanks, it is also proposed to assign to this new agency the control of the funds set apart for the repair and improvement of tanks. It is hoped that this will, by evoking the interest and concerted action of the raiyats in a matter which is of vital importance to them, go some way towards reviving the communal spirit among them. The object of the bill being thus only to authorise the constitution of panchayets for the control of tanks, in places where the villagers desire to have such panchayets, no attempt has been made in this bill to define the duties and obligations of the raiyats in respect of tanks or to codify the existing law, based on custom and notifications and orders of Government having the force of law, in regard to tanks. A Regulation to consolidate the law in regard to tanks in Mysore would no doubt be a very desirable measure, but it involves various difficult questions the solution of which is not a matter of pressing urgency.

5. The powers and duties of the panchayets are clearly defined in the various clauses of the bill, and the scope of the several provisions of the bill and the reasons therefor are discussed in the accompanying notes.

NOTES ON CLAUSES.

Preamble.—The Preamble requires no comment. It only explains briefly the object of the bill as indicated in the preceding paragraphs.

Clause 2. Definitions.—The word "Tank" has been defined to include comprehensively all sources of irrigation. Tanks intended for water-supply but not for irrigation are not included in the scope of the Regulation, although they are included in the existing Tank Maintenance Rules.

In defining the term "Major Tank" the existing classification is maintained, but with this difference, namely, that the assessment of the whole "irrigable area" is taken, instead of the actual revenue collection as at present, as the latter is subject to fluctuation. Power is reserved to Government to include any particular tanks as major tanks.

The definition of "Maintenance" is based on Rule 4 of the Tank Maintenance Rules.

The definition of "Village" includes not only single villages and groups of villages, but also the area within such limits as the Government may direct in cases where a Village Tank Panchayet is constituted for the control of a tank or group of tanks.

The definition of "Raiyats" is taken from the Tank Maintenance Rules and includes all persons who are under those rules responsible for the maintenance of tanks.

The definition of "Patel" and "Shanbhog" provides for Government selecting one of several patels and one of several shanbhogs in a "Village" as defined in this Regulation, to be members of the Village Panchayet.

Clause 3 indicates the objects of forming village panchayets and explains the circumstances under which panchayets may be formed. It is proposed to constitute panchayets only in places where Government may consider that the conditions are favourable for their successful working and where a majority of not less than two-thirds of the raiyats concerned desire to have them. Ordinarily a panchayet will deal with the tanks in a single village, but provision is made for constituting panchayets to deal with the tanks of several villages, or for a single tank or several tanks situated in a single village or several villages.

Clauses 4 and 5 define the qualifications and disqualifications for election to a panchayet. The qualification is the payment of certain minimum amounts of land assessment or mohatarfa tax, but provision is made for reducing the minimum in places where there may not be a sufficient number of persons paying the amounts fixed.

The disqualifications are the usual ones based on sex, minority, insolvency and conviction for a criminal offence.

Clause 6 lays down that the number of elected members for each panchayet may be fixed by the Deputy Commissioner with reference to local requirements and circumstances. In order to safeguard the interests in the tank of persons who do not own wet lands, but only depend on it for water-supply, for drinking purposes for themselves and their cattle, it is provided that not less than one-fourth or more than one-half of the total number of elected members of the panchayet, as may be fixed by the Deputy Commissioner with reference to local conditions, shall be elected by mohatarfa payers and holders of dry land who do not hold wet and garden lands, from among themselves. The remaining members are to be elected by the raiyats holding wet and garden lands.

Clause 9 (1) enumerates the various items of revenue which will be assigned to the panchayet for the upkeep, repair and restoration of tanks. Several items which now go to general revenues such as sale proceeds of the right of fishing in the tank, grazing in the tank bed, and of the produce of trees in the tank bed or on the bund, and the rent recovered for temporary cultivation of the tank bed, are proposed to be assigned to the fund as an inducement to the villagers to come forward to constitute Village Panchayets. As the irrigation cess fund is intended for the improvement and repair of both major and minor tanks, and as the repair and improvement of

major tanks is not proposed to be entrusted to the panchayet, it is provided that the Government may assign to the tank fund the whole or such portion as it may decide of the irrigation cess collected in the village. Provision is also made for the Government giving loans to the panchayet in cases where such a measure is expedient and necessary.

Clause 9 (*2*) prescribes where the money belonging to the fund is to be deposited and for what purposes it is to be utilised.

Clause 9 (*3*) directs that an account of the administration of the fund should be submitted to the general body of the raiyats at an annual meeting.

Clause 10 declares that on the formation of a panchayet for any area, the duty of enforcing the Tank Maintenance Rules with regard to all tanks in the village, which now vests in the village patel, shall thereafter vest in the panchayet; but provision is made for excluding any specified tanks from the control of the panchayet.

Clause 11 to 15 enumerate the powers which a panchayet may ordinarily exercise or which it may be specially entrusted with.

In clause 11, the power to apportion the work of maintenance under the Tank Maintenance Rules among the different raiyats and to carry out work which a raiyat may fail to do, which now vests in the patel, is transferred to the panchayet.

Sub-Clause (3) of clause 11 lays down that in order to determine the amount to be recovered from a raiyat who does not do the work allotted to him, the panchayet shall have power to fix the wages of labour subject to such maxima and minima as may be fixed by Government. It is not proposed to provide for any appeal to higher authority in regard to the exercise of this or other powers of the panchayet, as public opinion in the village may be relied upon to act as a sufficient check against the panchayet acting in an unfair or arbitrary manner.

Clause 12 empowers the panchayet to give out the beds of tanks for temporary cultivation on such terms as it may lay down. The usual objections to the cultivation of tank beds are mostly objections against the use of manure which would render the water of the tank unfit for drinking purposes. The panchayet may be trusted to see that no such manure is used.

Clause 13 provides that in order to avoid the waste of water that may be caused by different raiyats commencing the sowing of wet crops at different times, the panchayet may decide on the time when such operations should be commenced, and also empowers the panchayet to regulate the issue of water from the tank.

Clause 14 is one of the most important clauses in the bill and constitutes an innovation which may be of far-reaching effect. This clause provides that a panchayet specially empowered by Government in this behalf may, having regard to the quantity of water available in the tank, impose such restriction as it may consider necessary on wet cultivation below the tank; but it is proposed to give this power only with the consent of a majority of not less than two-thirds of the raiyats holding wet lands under the tank who would be affected by the exercise of this power. It is well known that in seasons of short rainfall all the raiyats holding lands under a tank put their lands under wet cultivation, even when it is quite certain that the supply of water in the tank will not suffice to irrigate all their lands, with the result that all of them suffer from shortage in harvests, if not from total failure of crops. Similarly, there is now no restriction against any raiyat planting sugarcane anywhere below the tank, and the result is that sugarcane is planted in small patches here and there and this involves considerable waste of water. It is proposed to give the panchayet (with the consent of the wet land holders) the power to determine with reference to the amount of water available in the tank, the extent out of each wet holding which should be cultivated with wet crops, to prevent the cultivation of sugarcane altogether if the water in the tank is insufficient for such cultivation, or to select a suitable block near the sluice of the tank and parcel it out among the different raiyats who may wish to grow sugarcane on such terms as regards rent or share of produce as may be agreed upon with the owner or owners of the block. If on account of shortage of water in the tank any land assessed as wet is not supplied with water for irrigation, it is proposed that half the assessment on the land should be remitted.

It is a question how far these provisions can be successfully worked. There is no combination among the raiyats, and the spirit of making a small personal sacrifice with a view to securing large common good has almost disappeared from the country. When carefully considered, however, there is really no sacrifice of individual interests involved in the case. Under the existing system, it is, as explained above, a case of general scramble for water and of all being losers when there is insufficiency of water in the tank.

It is difficult to say whether all the raiyats in a village will be willing to abide by the decision of the panchayet that, in view of the insufficiency of the supply of water, a few of the lands should not grow irrigated crops. If they are prepared to accept such a decision and show some self-restraint, this will be a measure of the extent to which the spirit of combination and sacrifice, which the Government wish to revive, has been brought into existence. In the face of this moral gain, the remission of half the wet assessment proposed in sub-clause (3) as an inducement to the raiyats should not be a matter of much concern.

It is true that in Mysore we follow the Bombay system of settlement under which lands are classed with reference to the capacity of the tanks to supply irrigation to them and the assessment on them is fixed on the average of a series of years making sufficient allowance for deficiencies of rainfall and other vicissitudes of the season. Consequently the Government is not bound to grant full or partial remission in bad years, nor has it been customary to do so as a general rule. But it must be admitted that in spite of all the care taken by the Survey Department more land is sometimes entered in the accounts as irrigable by a tank than can properly be irrigated by it ; and that, although the average works out fairly and equitably in the long run, the vicissitudes of the seasons are often such as to cause hardship in limited tracts and in individual cases, in particular years.

A different and a more elastic, and possibly on that account a better, system prevails in the neighbouring Presidency of Madras, and representations have been made that that system may with advantage be adopted in Mysore. It is not practicable at this stage to alter the whole system of revenue settlement in force in the State ; but the Government have, however, been always, as a matter of concession, giving partial or total remission in cases of widespread drought. The present scheme affords the means of meeting in an automatic manner cases of limited or individual hardship due to failure of water-supply. The system of granting remissions which prevails in Madras is liable to abuse as the question of deciding whether there was any loss or shortage of crops is left to the subordinate officials. The scheme now proposed has the merit of leaving a question of this kind to the decision of the panchayet elected by the villagers themselves. It is not likely that the concession would in any way be abused or that it would lead to any serious loss of revenue, as a panchayet representing the raiyats would not put lands out of wet cultivation unless there were very good reasons for doing so. The Government assessment represents but a small proportion of the value of the total produce, and the community will not willingly forego the profits to be derived from wet cultivation simply to have the benefit of having half the wet assessment remitted. And from the point of view of the successful inauguration and working of this scheme, it is only some such concessions as these that will bring the people together and induce them to take an interest in the working of the panchayets. Besides, this system will afford valuable data about the irrigational capabilities of tanks and be of use in future settlements, as well as enable the Government to rectify any serious inequalities that may be disclosed in existing settlements.

Clause 15 deals with the construction, restoration and improvement of minor tanks. Under the existing system, Government does not undertake such construction, restoration or improvement unless the raiyats come forward and do the earthwork, when the Government gets the masonry and stone work executed. This clause lays down that if the panchayet undertakes to execute such construction, restoration or improvement, the Government may entrust to the panchayet all the work required with the exception of stone and masonry work which will be done at the cost of Government. It is also laid down that the Deputy Commissioner may at his discretion entrust the execution of masonry and stone work also to the panchayet.

Clause 16 provides that moneys due to the Tank Fund may be collected as arrears of land revenue.

Clause 17 provides for the abolition of a panchayet in cases of incompetency or of persistent default in the discharge of its duties, or of exceeding or abusing its powers and lays down that when a panchayet is abolished the Deputy Commissioner may take possession of the funds of the panchayet and enforce the maintenance of tanks under the ordinary rules.

Clause 18 only states the fact that nothing in the Regulation is to be deemed to relieve the raiyats of any of their obligations in regard to the restoration, repair and maintenance of tanks under the ordinary law or rules having the force of law.

Clause 19 provides for the making of rules for carrying out the purposes of the Regulation.

G. R. S. 12]
General and Revenue
Secretariat.

Leg File No. 93 of 1908

67

Serial No. (1)

Draft Councillor's remarks on the Darbhanga note to H.H.

"I pointed out to the Secretary a slight mistake in the Council resolution the draft of which was circulated to me. It relates to the last 2 paragraphs in respect of Cl 14 in the Statement of objects and reasons."

sd 2 H.L. 6/8/08

Leg's remarks

(2) "I submit the draft of the measure to be introduced into the Legislative Council."

sd H.S.C. 6/8/08

Submitted, information as regards No. (1) and available in the Branch. Secretary's remarks has been noted. The Member who will introduce the Bill into the Council has now to be settled also.

9/8/08 10/8/08

Attention is invited to para 2 of the Darbhanga Note to H.H. dt 16-6-08.

Under Secy

10/8/08

Submd to Secy

10/8/08

(1) It was not the draft proceedings that were circulated to Cls, but the proceedings as passed by the Council. The Secy's draft will show the Darbhanga's remarks on the Cl 14 proposed to the Council.

* Should be deleted.

4/8/08

NOTE—Contn sheet.

GPB—50 000—17-3-07

R. S. 12]
General and Revenue
Secretariat.

File No. 29 of 1920

Serial No. 32

The Bill is an important one dealing with the Village Communal System, & may perhaps be entrusted to one of the senior members of the Legislative Council.

Dear Sir, K.S. Chandrasekhara Aiyar 13/7/08

29/20 14-7-08

33 Wherein all the Incongruous about the bill there will be but time enough to settle the question when your Indian Sanction is received

M. Hamilton 13/7/08

Please await reply to D.O. I have written to the Hon'ble the Resident V. P. Madhava Rao.

13/7/08

The file is resubmitted with the D.O. letter received from the Residency on the subject, D.O.

NOTE—Contn sheet.

GPB—50 000—17-3-17

(G. R. S[illegible]2]
General and Revenue
Secretariat.

File No. [illegible] of 190[illegible]

71

Serial No. 3943 dated 28th July 1908, &
with a copy of the Dewan's
reply thereto, &c. 1259 dy 11/8/08.
13/8/08.

Reed 15-8-08.

Keep for some time, say, two
weeks.

15-8-08

Copy 15-8-08

Legis

65

NOTE—Contn. sheet.

GPB—50,000—17-3-07

G. R. S. 12]
General and Revenue Secretariat.

Legis File No. 29 of 19 10 – 11

Serial No.	
8	No. No 3943 dated 28/7/108 From the Hon'ble the British Resident in Mysore, Bangalore Asks for the Durbar's views on certain points connected with the customary obligations of the ryots to maintain the tanks.
9	D. O. No 1259 dated 11th Aug: 1908 To the Hon'ble the British Resident in Mysore, Bangalore Conveys the views of the Durbar in the matter
10	D. O. No 4437 dated 25th Aug: 1908 From the First Asst to the Resident Informs that in the opinion of the Resident it is worth considering whether the experiment should not be first tried in some selected Taluks.
11	D. O. No 1288 dated 29/8/1908 To the P. A. Resident Invites attention to Clause 3 by which the Panchayet is to be created only in certain specified areas by Govt Notn &c
12	D. O. No 4695 of 7/9/1908 From the P. A. Resident

G.R.S. 12]
General and Revenue Secretariat.

Legis File No. 29 of 19 10-11

Serial No.

States that the Resident is satisfied but that ~~still~~ he desires that the Legislation should be ~~extended~~ applied and extended very carefully and that the result of its working should be very carefully watched at frequent intervals.

73

NOTE—Contn. sheet.

GPB—50,000—12-8-10

R. S. 12]
General and Revenue Secretariat.

File No. 29 of 1908

Serial No.

34. The Secretary to the Legislative Council is requested, under Rule 32 of the Rules for the conduct of business, to publish in the Gazette the bill for the constitution of Village Tank Panchayets (with the modifications indicated in my D.O.letter No.1259 dated 11th August 1908 to the Resident) together with the statement of objects and reasons, in English and in Kanarese.

V. P. Madhava Rao
8/9/1908 (Dewan)

35. The bill - in English & Kanarese - has been published in the Gazette of the 10th inst. The file is submitted to the 2nd Cr. Who it is understood introduces the measure in the Council.

C.S. Subramania Iyer 12/9/08

2 Copies of the Village Tanks Panchayat bill as published in the gazette are also put up.

NOTE— Contn. sheet.

GPB—50,000—12-8-10

things and being approved both by the Executive Engineer and the Deputy Commissioner of the District.

(ii) The filling up of gullies or other inequalities caused by rain, the treading of cattle, etc., upon the bunds of tanks and channels.

(iii) The checking of the growth on bunds of prickly-pear, and any similar rank and pernicious weed.

(iv) The clearing of any underwood from the bunds of tanks wherever it may be injurious.

(v) The clearing and repair of the earth-work of petty and branch channels, and the clearing away of the accumulations in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields.

(vi) The keeping in order the supply channels of tanks.

(vii) The watching of the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluice, and generally the performance of minor duties of this nature in order to prevent breaches and other accidents.

(7) "Repair" means special repairs rendered necessary by storm, flood, or other unforseen accident.

(8) "Village" includes a group of villages for which a Village Tank Panchayet may be constituted or where such Panchayet is constituted for the control of a tank or group of tanks, the area comprised within such limits as the Government may direct.

(9) "Raiyats" shall include Pattadars, Shikmidars, Inamdars and others holding lands attached to the village, either dry, garden or wet, and inhabitants of the village and all others deriving any benefit whatever from the tank either directly or indirectly.

(10) "Patel" and "Shanbhog" mean the persons officiating as patel and shanbhog, respectively, of the village, and where a Village Tank Panchayet is constituted for a group of villages or for a tank or group of tanks, such one of the patels and such one of the shanbhogs, respectively, as may be selected by the Government for the purposes of this Regulation.

Constitution of Village Tank Panchavets.

3. For the effectual carrying out of the customary obligations of the raiyats in regard to the restoration, repair and maintenance of tanks, and for the better regulation of the use of water from tanks for purposes of irrigation, there may be constituted for any village, where the Government may consider it expedient to do so, and where a majority consisting of not less than two-thirds of the raiyats so desire, a Village Tank Panchayet composed of the patel and the shanbhog and three or more members elected by the raiyats as hereinafter prescribed;

Notification.

No. 72 C. 6. Dated the 8th Sept. 1908. Rules for the Council of the

Ins of Under Rule 32 of the Mysore Legislative Council,

notes the following bill together with the ob statement of Objects & reasons

therefor are is hereby published for general information :. ——

THE VILLAGE TANK PANCHAYET BILL.

Preamble.

WHEREAS the customary obligations of raiyats in Mysore in regard to the maintenance of major tanks and the restoration, repair and maintenance of minor tanks, have not been satisfactorily carried out in the past; and

WHEREAS this result is mainly due to the disappearance of the communal spirit among the raiyats and to the absence of sufficient inducements to make them take an interest in their tanks; and

WHEREAS with a view to remedy these defects and to revive the communal spirit among the raiyats, it is expedient to constitute village panchayets to have control over the tanks and to administer the funds that may be assigned for their restoration, repair and maintenance;

His Highness the Maharaja is pleased to enact as follows:—

Short title.

1. (1) This Regulation may be called the "Village Tank Panchayet Regulation, 1908."

Local extent

(2) It extends to the whole of Mysore; and

Commencement.

(3) it shall come into force on the first day of January 1909.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context -

(1) "Tank" means any source of irrigation and shall include an anicut, a voddu, a taiparige; and a channel whether used as a feeder, irrigation or distribution channel and whether drawn from a tank, anicut, river, or water course.

(2) "A major tank" means a tank the annual assessment on whose irrigable area is not less than Rs. 300 and shall also include such other tanks as the Government may for any reason notify as major tanks;

All other tanks are "minor tanks."

(3) "Construction" means the creation of a new tank.

(4) "Restoration" means restoring to an efficient condition a tank which, from neglect, accident or other cause, has fallen into disuse or become impaired or less efficient than formerly.

(5) "Improvement" means increasing the capacity of a tank so as to provide additional water for irrigation or otherwise rendering it more useful for purposes of irrigation.

(6) "Maintenance" means works of petty repair required to keep or maintain a tank at the standard of safety that may be fixed for it after its construction, restoration or improvement, and includes the following: -

(i) The maintenance of the bund to the standard level and with the slopes specified, the specification of the level and slope being in accordance with the existing state of

or a portion thereof, as the Government may from time to time make to the fund;

(*g*) any other grant which the Government may make to the fund;

(*h*) any advance which the Government may make to the Panchayet under Section 15 for the execution of the masonry and stone work; and

(*i*) any loan which the Government may make to the Panchayet for carrying out the purposes of this Regulation.

(2) The fund shall be deposited in the Government Savings Bank or with any Agricultural Bank or Co-operative Society approved by the Deputy Commissioner, and shall be utilised by the Panchayet in executing the annual maintenance works of the major and minor tanks and the repairs of the minor tanks under its control, and for the construction, restoration or improvement of any minor tank, which may be entrusted to the Panchayet under Section 15.

(3) An account of the administration of the fund during each official year shall be submitted by the Panchayet to the general body of the raiyats at a meeting to be held within one month after the close of the official year.

Consequence of Panchayet coming into existence.

10. When a Village Tank Panchayet comes into existence under Section 3, the enforcement of the customary obligations of the raiyats, for the repair and maintenance of all the tanks in the village, as laid down in the Chief Commissioner's Notification No. 65, dated 2nd October 1873 with the alterations made by Government Notification No. 5262—Agl. 626-03-7, dated 15th December 1904, shall thereafter vest in the Panchayet;

Provided that the Government may exclude any tank or tanks in the village from the control of the Panchayet.

Power of Panchayet to apportion repair and maintenance work among raiyats or to carry out work and recover cost from raiyats.

11. (1) The Panchayet shall have the power to apportion the work required for the repair or maintenance of the tank or tanks under its control, among the raiyats according to their respective obligations.

(2) If a raiyat fails to do the work allotted to him or prefers to commute his quota of labour into a money payment, the Panchayet shall itself get the work done out of the funds at its disposal, recovering from him the cost of such work as fixed by it.

(3) For determining the amount to be recovered from a raiyat under the last preceding sub-section, the Panchayet shall have the power to fix the wages of labour per diem, subject to such maximum and minimum rates as may be laid down by the Government.

Power to grant tank bed for cultivation.

12. The Panchayet shall have power to grant the bed of the tanks under its control for temporary cultivation of quick-growing crops on such terms as regards payment of rent or share of produce as may be deemed fit by it.

Power of Panchayet to regulate the issue of water for irrigation.

13. The Panchayet shall have power to decide on the time for commencing the sowing of wet crops on the wet lands below the tanks under its control and to regulate the issue of water for irrigation from such tanks.

Power to restrict wet cultivation.

14. (1) A Village Tank Panchayet, specially empowered by Government in this behalf, may, in any year, having regard to the quantity of water available in any tank under its control,

Provided that instead of constituting a Village Tank Panchayet for a single village, the Government may, in special cases, constitute a Village Tank Panchayat as above for any specified tank or group of tanks or for a group of villages.

Qualifications for election to Panchayet.

4. Subject to the disqualifications mentioned in Section 5, every raiyat who

(*a*) owns wet or garden lands in the village on which the annual assessment is not less than Rs. 50, or

(*b*) owns dry lands in the village on which the annual assessment is not less than Rs. 20, or

(*c*) pays in the village an annual mohatarfa tax of not less than Rs. 10,

shall be qualified for election to the Panchayet.

Provided that the Government may, by notification published in the official Gazette, reduce, for any local area, the minimum amounts of assessment or mohatarfa tax prescribed above.

Disqualifications for election to Panchayet.

5. No person may be elected as a member of a Panchayet,

(*a*) who has been sentenced by a Criminal Court for an offence which in the opinion of Government implies moral turpitude, such sentence not having been subsequently reversed or quashed, or

(*b*) who has been declared an insolvent, or

(*c*) who is less than 21 years of age, or

(*d*) who is of the female sex.

Number of elected members of Panchayet.

6. The number of elected members of a Village Tank Panchayet shall be fixed by the Deputy Commissioner; and of the number so fixed such number, not less than one-fourth or more than one-half, as may be decided by the Deputy Commissioner, shall be elected by the raiyats holding dry lands and paying mohatarfa but not holding wet and garden lands, from among themselves; and the rest shall be elected by the raiyats holding wet and garden lands with or without dry lands, from among themselves.

Term of office of elected members.

7. The elected members of a Village Tank Panchayet shall hold office for a term of three years.

Patel to be Chairman of Panchayet.

8. The Patel shall be the Chairman of the Village Tank Panchayet and shall conduct all correspondence on behalf of the Panchayet.

The Tank Fund.

9. (1) The Panchayet shall have control over a fund to be called the Village Tank Fund, made up of the following items:—

(*a*) the amounts collected from raiyats under Section 11;

(*b*) the rent or value of the share of produce received under Section 12;

(*c*) the sale proceeds of the right of fishing in the tank, if any;

(*d*) the sale proceeds of the right of grazing in the tank bed and of the right of cutting and removing the grass on the tank bund;

(*e*) the sale proceeds of the produce of the trees in the tank and on the bund, if any;

(*f*) such grant out of the irrigation cess fund collected in the village, being either the whole

(a) determine the portion, out of all wet lands in the irrigable area of such tank, to be cultivated with wet crops and confine the supply of water for irrigation to such portion;

(b) refuse to allow water from the tank for the cultivation of sugarcane to all or any of the lands in its irrigable area;

(c) select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of growing sugarcane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

(2) No such power as is referred to in sub-section (1) shall be conferred on a Village Tank Panchayet in regard to any tank under its control except with the consent of a majority of not less than two-thirds of the raiyats holding wet lands under such tank.

(3) If, in accordance with a decision of the Panchayet under clause (a) of sub-section (1), any land assessed as wet is not supplied with water for irrigation, the holder of such land shall be entitled to remission of half the assessment of such land.

Panchayet may be entrusted with construction, restoration and improvement of minor tank.

15. (1) If, with the approval of a majority of not less than two-thirds of the raiyats who would derive benefit from the construction, restoration or improvement of a minor tank, a Village Tank Panchayet agrees to undertake the construction, restoration or improvement, as the case may be, of such minor tank, the execution of all the necessary work, with the exception of the masonry and stone work, may be entrusted to the Panchayet.

(2) The masonry and stone work required shall be executed by the Government at its cost; but if the Panchayet undertakes to execute it, such work may also, at the discretion of the Deputy Commissioner, be entrusted to the Panchayet, the estimated cost of such work being advanced to the Panchayet by the Government.

(3) The Panchayet shall be bound to have all the work entrusted to it executed according to the specifications and constructive details furnished by the Deputy Commissioner and within such time as may be allowed by the Deputy Commissioner.

Recovery of moneys due to Tank Fund.

16. All moneys due to the Village Tank Fund shall, in default of payment by the person from whom such moneys may be due, and on the application of the Panchayet, be recoverable by the Deputy Commissioner as arrears of land revenue.

Power of Government to abolish Panchayet in case of incompetency, default or abuse of powers.

17. (1) If, in the opinion of the Government, any Village Tank Panchayet is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the Official Gazette, abolish the Panchayet.

(2) When a Panchayet is so abolished—

(*a*) the members of the Panchayet shall, as from the date of the order, vacate their offices as such members; and

(*b*) the Deputy Commissioner shall take charge of the funds of the Panchayet, if any, and shall enforce the customary obligations of the raiyats in the same manner as if the Panchayet had not been constituted and may utilise such funds for the purposes referred to in Section 9 in the same manner as the Panchayet may have utilised the same.

(3) A Panchayet thus abolished may, after such time as the Government may think fit, be reconstituted under the provisions of Section 3.

Obligation of the raiyats under the ordinary law unaffected.

18. Nothing in this Regulation shall be deemed to relieve the raiyats of any of their obligations under any law, or any rule, order or custom having the force of law, in regard to the restoration, repair and maintenance of tanks.

Power of Government to make rules and the matters in regard to which rules may be framed.

19. (1) The Government may, for the whole or any part of Mysore, or for any Panchayet or group of Panchayets, make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may,

(*a*) provide for the preparation of lists of persons qualified to vote under Sections 6, 11 and 15 and of persons qualified for election to the Panchayet under Sections 4 and 5;

(*b*) prescribe the procedure to be adopted at meetings of voters;

(*c*) prescribe the procedure to be adopted by Panchayets at their meetings;

(*d*) prescribe the accounts and books to be kept by the Panchayet and provide for the audit of such accounts;

(*e*) prescribe the accounts, returns and reports to be furnished by Panchayets.

STATEMENT OF OBJECTS AND REASONS.

There are numerous tanks both large and small in the Mysore State on the proper upkeep of which the prosperity of the country depends. It has always been recognised that the responsibility for the upkeep of tanks rests upon the raiyats who derive benefit from them, and, so far back as 1873, a set of rules was framed by the Chief Commissioner of Mysore (Notification No. 65, dated the 2nd October 1873) for the enforcement of the customary obligations of the raiyats in regard to the maintenance of tanks which have been restored and handed over to them for upkeep. It is under these rules as slightly modified by Government Notification No. R. 5262—Agri. 626-03-7, dated the 15th December 1904, that the maintenance of restored tanks is at present enforced.

2. It has however been found as a matter of experience that on the one hand the enforcement of the rules is attended with various difficulties due mainly to the disappearance of the communal spirit among the villagers, and that on the other hand the village officers who have been entrusted with the enforcement of the rules, have been slack in the discharge of this duty, with the result that many tanks have been allowed to deteriorate, and some of them to a serious extent.

3. This unsatisfactory result appears to be traceable to the fact that the maintenance of tanks has been treated as one in which Government is solely concerned and for which Government agency is alone responsible, the principal factor in the problem, namely, the raiyat owning lands under the tank, having been more or less ignored. Nothing has been done to interest the raiyat in the tank, and to secure his willing and intelligent help and co-operation in the mater of its repair, and maintenance. The remedy to the present unsatisfactory state of things would appear to lie in giving the raiyats a voice in the measures necessary for the maintenance of their tanks and also giving them powers to execute the necessary works together with control over the funds that may be set apart for the purpose. With this view it has been considered expedient to constitute village panchayets composed of the patel and the shanbhog of the village and three or more members elected by the raiyats from among themselves. The object of the present bill is to authorise the constitution of such panchayets and to lay down their powers and duties.

4. It may be noted at the outset that the bill does not contemplate the compulsory constitution of panchayets in places where the raiyats do not wish to have them. The panchayets are to be formed only in places where a majority of not less than two-thirds of the villagers desire to have panchayets constituted. Nor does the bill impose any additional obligations on the raiyats in regard to tanks and their upkeep. The existing rules based on long recognised practice laying down the liability of raiyats to maintain all tanks brought up to standard and to restore certain minor tanks are left undisturbed. The bill only alters the agency by which this liability is to be enforced and substitutes the agency of panchayets composed mostly of members elected by the raiyats themselves, in place of the purely official agency now existing. And in order to create in the raiyats a sense of responsibility and the feeling that both the Government and they are jointly interested in the proper upkeep of the tanks, it is also proposed to assign to this new agency the control of the funds set apart for the repair and improvement of tanks. It is hoped that this will, by evoking the interest and concerted action of the raiyats in a matter which is of vital importance to them, go some way towards reviving the communal spirit among them. The object of the bill being thus only to authorise the constitution of panchayets for the control of tanks, in places where the villagers desire to have such panchayets, no attempt has been made in this bill to define the duties and obligations of the raiyats in respect of tanks or to codify the existing law, based on custom and notifications and orders of Government having the force of law, in regard to tanks. A Regulation to consolidate the law in regard to tanks in Mysore would no doubt be a very desirable measure, but it involves various difficult questions the solution of which is not a matter of pressing urgency.

5. The powers and duties of the panchayets are clearly defined in the various clauses of the bill, and the scope of the several provisions of the bill and the reasons therefor are discussed in the accompanying notes.

NOTES ON CLAUSES.

Preamble.—The Preamble requires no comment. It only explains briefly the object of the bill as indicated in the preceding paragraphs.

Clause 2. Definitions.—The word "Tank" has been defined to include comprehensively all sources of irrigation. Tanks intended for water-supply but not for irrigation are not included in the scope of the Regulation, although they are included in the existing Tank Maintenance Rules.

In defining the term "Major Tank" the existing classification is maintained, but with this difference, namely, that the assessment of the whole "irrigable area" is taken, instead of the actual revenue collection as at present, as the latter is subject to fluctuation. Power is reserved to Government to include any particular tanks as major tanks.

The definition of "Maintenance" is based on Rule 4 of the Tank Maintenance Rules.

The definition of "Village" includes not only single villages and groups of villages but also the area within such limits as the Government may direct in cases where a Village Tank Panchayet is constituted for the control of a tank or group of tanks.

The definition of "Raiyats" is taken from the Tank Maintenance Rules and includes all persons who are under those rules responsible for the maintenance of tanks.

The definition of "Patel" and "Shanbhog" provides for Government selecting one of several patels and one of several shanbhogs in a "Village" as defined in this Regulation, to be members of the Village Panchayet.

Clause 3 indicates the objects of forming village panchayets and explains the circumstances under which panchayets may be formed. It is proposed to constitute panchayets only in places where Government may consider that the conditions are favourable for their successful working and where a majority of not less than two-thirds of the raiyats concerned desire to have them. Ordinarily a panchayet will deal with the tanks in a single village, but provision is made for constituting panchayets to deal with the tanks of several villages, or for a single tank or several tanks situated in a single village or several villages.

Clauses 4 and 5 define the qualifications and disqualifications for election to a panchayet. The qualification is the payment of certain minimum amounts of land assessment or mohatarfa tax, but provision is made for reducing the minimum in places where there may not be a sufficient number of persons paying the amounts fixed.

The disqualifications are the usual ones based on sex, minority, insolvency and conviction for a criminal offence.

Clause 6 lays down that the number of elected members for each panchayet may be fixed by the Deputy Commissioner with reference to local requirements and circumstances. In order to safeguard the interests in the tank of persons who do not own wet lands, but only depend on it for water-supply, for drinking purposes for themselves and their cattle, it is provided that not less than one-fourth or more than one-half of the total number of elected members of the panchayet, as may be fixed by the Deputy Commissioner with reference to local conditions, shall be elected by mohatarfa payers and holders of dry land who do not hold wet and garden lands, from among themselves. The remaining members are to be elected by the raiyats holding wet and garden lands.

Clause 9 (1) enumerates the various items of revenue which will be assigned to the panchayet for the upkeep, repair and restoration of tanks. Several items which now go to general revenues such as sale proceeds of the right of fishing in the tank, grazing in the tank bed, and of the produce of trees in the tank bed or on the bund, and the rent recovered for temporary cultivation of the tank bed, are proposed to be assigned to the fund as an inducement to the villagers to come forward to constitute Village Panchayets. As the irrigation cess fund is intended for the improvement and repair of both major and minor tanks, and as the repair and improvement of

major tanks is not proposed to be entrusted to the panchayet, it is provided that the Government may assign to the tank fund the whole or such portion as it may decide of the irrigation cess collected in the village. Provision is also made for the Government giving loans to the panchayet in cases where such a measure is expedient and necessary.

Clause 9 (*2*) prescribes where the money belonging to the fund is to be deposited and for what purposes it is to be utilised.

Clause 9 (*3*) directs that an account of the administration of the fund should be submitted to the general body of the raiyats at an annual meeting.

Clause 10 declares that on the formation of a panchayet for any area, the duty of enforcing the Tank Maintenance Rules with regard to all tanks in the village, which now vests in the village patel, shall thereafter vest in the panchayet; but provision is made for excluding any specified tanks from the control of the panchayet.

Clause 11 to 15 enumerate the powers which a panchayet may ordinarily exercise or which it may be specially entrusted with.

In clause 11, the power to apportion the work of maintenance under the Tank Maintenance Rules among the different raiyats and to carry out work which a raiyat may fail to do, which now vests in the patel, is transferred to the panchayet.

Sub-Clause (3) of clause 11 lays down that in order to determine the amount to be recovered from a raiyat who does not do the work allotted to him, the panchayet shall have power to fix the wages of labour subject to such maxima and minima as may be fixed by Government. It is not proposed to provide for any appeal to higher authority in regard to the exercise of this or other powers of the panchayet as public opinion in the village may be relied upon to act as a sufficient check against the panchayet acting in an unfair or arbitrary manner.

Clause 12 empowers the panchayet to give out the beds of tanks for temporary cultivation on such terms as it may lay down. The usual objections to the cultivation of tank beds are mostly objections against the use of manure which would render the water of the tank unfit for drinking purposes. The panchayet may be trusted to see that no such manure is used.

Clause 13 provides that in order to avoid the waste of water that may be caused by different raiyats commencing the sowing of wet crops at different times, the panchayet may decide on the time when such operations should be commenced, and also empowers the panchayet to regulate the issue of water from the tank.

Clause 14 is one of the most important clauses in the bill and constitutes an innovation which may be of far-reaching effect. This clause provides that a panchayet specially empowered by Government in this behalf may, having regard to the quantity of water available in the tank, impose such restriction as it may consider necessary on wet cultivation below the tank; but it is proposed to give this power only with the consent of a majority of not less than two-thirds of the raiyats holding wet lands under the tank who would be affected by the exercise of this power. It is well known that in seasons of short rainfall all the raiyats holding lands under a tank put their lands under wet cultivation, even when it is quite certain that the supply of water in the tank will not suffice to irrigate all their lands, with the result that all of them suffer from shortage in harvests, if not from total failure of crops. Similarly, there is now no restriction against any raiyat planting sugarcane anywhere below the tank, and the result is that sugarcane is planted in small patches here and there and this involves considerable waste of water. It is proposed to give the panchayet (with the consent of the wet land holders) the power to determine with reference to the amount of water available in the tank, the extent out of each wet holding which should be cultivated with wet crops, to prevent the cultivation of sugarcane altogether if the water in the tank is insufficient for such cultivation, or to select a suitable block near the sluice of the tank and parcel it out among the different raiyats who may wish to grow sugarcane on such terms as regards rent or share of produce as may be agreed upon with the owner or owners of the block. If on account of shortage of water in the tank any land assessed as wet is not supplied with water for irrigation, it is proposed that half the assessment on the land should be remitted.

It is a question how far these provisions can be successfully worked. There is no combination among the raiyats, and the spirit of making a small personal sacrifice with a view to securing large common good has almost disappeared from the country. When carefully considered, however, there is really no sacrifice of individual interests involved in the case. Under the existing system, it is, as explained above, a case of general scramble for water and of all being losers when there is insufficiency of water in the tank.

It is difficult to say whether all the raiyats in a village will be willing to abide by the decision of the panchayet that, in view of the insufficiency of the supply of water, a few of the lands should not grow irrigated crops. If they are prepared to accept such a decision and show some self-restraint, this will be a measure of the extent to which the spirit of combination and sacrifice, which the Government wish to revive, has been brought into existence. In the face of this moral gain, the remission of half the wet assessment proposed in sub-clause (3) as an inducement to the raiyats should not be a matter of much concern.

It is true that in Mysore we follow the Bombay system of settlement under which lands are classed with reference to the capacity of the tanks to supply irrigation to them and the assessment on them is fixed on the average of a series of years making sufficient allowance for deficiencies of rainfall and other vicissitudes of the season. Consequently the Government is not bound to grant full or partial remission in bad years, nor has it been customary to do so as a general rule. But it must be admitted that in spite of all the care taken by the Survey Department more land is sometimes entered in the accounts as irrigable by a tank than can properly be irrigated by it ; and that, although the average works out fairly and equitably in the long run, the vicissitudes of the seasons are often such as to cause hardship in limited tracts and in individual cases, in particular years.

A different and a more elastic, and possibly on that account a better, system prevails in the neighbouring Presidency of Madras, and representations have been made that that system may with advantage be adopted in Mysore. It is not practicable at this stage to alter the whole system of revenue settlement in force in the State ; but the Government have, however, been always, as a matter of concession, giving partial or total remission in cases of widespread drought. The present scheme affords the means of meeting in an automatic manner cases of limited or individual hardship due to failure of water-supply. The system of granting remissions which prevails in Madras is liable to abuse as the question of deciding whether there was any loss or shortage of crops is left to the subordinate officials. The scheme now proposed has the merit of leaving a question of this kind to the decision of the panchayet elected by the villagers themselves. It is not likely that the concession would in any way be abused or that it would lead to any serious loss of revenue, as a panchayet representing the raiyats would not put lands out of wet cultivation unless there were very good reasons for doing so. The Government assessment represents but a small proportion of the value of the total produce, and the community will not willingly forego the profits to be derived from wet cultivation simply to have the benefit of having half the wet assessment remitted. And from the point of view of the successful inauguration and working of this scheme, it is only some such concessions as these that will bring the people together and induce them to take an interest in the working of the panchayets. Besides, this system will afford valuable data about the irrigational capabilities of tanks and be of use in future settlements, as well as enable the Government to rectify any serious inequalities that may be disclosed in existing settlements.

Clause 15 deals with the construction, restoration and improvement of minor tanks. Under the existing system, Government does not undertake such construction, restoration or improvement unless the raiyats come forward and do the earthwork, when the Government gets the masonry and stone work executed. This clause lays down that if the panchayet undertakes to execute such construction, restoration or improvement, the Government may entrust to the panchayet all the work required with the exception of stone and masonry work which will be done at the cost of Government. It is also laid down that the Deputy Commissioner may at his discretion entrust the execution of masonry and stone work also to the panchayet.

Clause 16 provides that moneys due to the Tank Fund may be collected as arrears of land revenue.

Clause 17 provides for the abolition of a panchayet in cases of incompetency or of persistent default in the discharge of its duties, or of exceeding or abusing its powers and lays down that when a panchayet is abolished the Deputy Commissioner may take possession of the funds of the panchayet and enforce the maintenance of tanks under the ordinary rules.

Clause 18 only states the fact that nothing in the Regulation is to be deemed to relieve the raiyats of any of their obligations in regard to the restoration, repair and maintenance of tanks under the ordinary law or rules having the force of law.

Clause 19 provides for the making of rules for carrying out the purposes of the Regulation.

By order

(Sd) C. S. Balasundaram Iyer

Secretary, Mysore

Legislative Council.

36 The Bill was introduced at the meeting of the Legislative Council held on the 5th October 1910 and was referred thereafter for consideration to a Select Committee to report within a period of 3 months

37 The draft report of the Committee was submitted to the Secretary on 15/12/1910. ~~who passed the following remarks~~

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NOTIFICATION.

No. 226—L. C., dated Bangalore, the 1st April 1910.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying report of the Select Committee appointed for the consideration of the Village Tank Panchayet Bill is published for general information with the Bill as amended by the Committee.

By Order,

S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

Report of the Select Committee appointed for the consideration of the Village Tank Panchayet Bill.

We, the members of the Select Committee appointed for the consideration of the Village Tank Panchayet Bill, beg to submit the following report to the Council.

The Committee first met on the 17th December last and resolved to invite the opinions of Deputy Commissioners and select non-official gentlemen and Associations before finally considering the provisions of the Bill. As these opinions were not received in time (in spite of repeated reminders), the Committee were compelled to ask for an extension of the time fixed for the submission of the report till the 15th September 1909. As in the meanwhile, the term of office of several members of the Council expired, two of the members of the Committee, *viz.*, Messrs. M. Kantaraj Urs and V. N. Narasimmiengar had to vacate their seats. In their places the Dewan was pleased to appoint Messrs. D. Devaraj Urs and M. C. Ranga Iyengar, B.A.

The Committee as thus constituted began their sittings on the 5th August 1909 and continued their discussions on the 6th and 7th idem. All the provisions of the Bill were carefully gone through and as a result we beg to submit the following report.

1. *Title and preamble.*—As Panchayets will be constituted only with reference to tanks and as they need not be confined to villages, we consider it sufficient to call the Regulation "The Tank Panchayet Regulation" and recommend that the word "village" be omitted from the title of the Bill and from the expressions "Village Tank Panchayet" and "Village Tank Fund," wherever they occur.

Para 3 of the preamble.—As the defects which the Bill intends to remedy are sufficiently enumerated in the two preceding paragraphs, we consider that special reference to the revival of communal spirit made herein is unnecessary and recommend that the words "and to revive the communal spirit among the raiyats" be omitted.

2. *Clause 2 (a) Definitions.*—Allusion has been made in the preamble to the customary obligations of the raiyats and what these are have been explained in sub-clause (*b*) of this clause as duties devolving on raiyats under the Chief Commissioner's Notification No. 65, dated the 2nd October 1873, as amended by Government Notification No. 5262—Agri. 626-03-7, dated the 15th December 1904. Such an explanation, though strictly correct, is nevertheless not sufficiently clear to bring home to the minds of the ordinary people the specific obligations resting on them in respect of the maintenance of the tanks. We consider it necessary therefore to explain the matter further and accordingly recommend that the Chief Commissioner's Notification referred to above as amended by the Notification of 1904 be printed *in extenso* as a schedule to the Regulation. If this is done the definition of the word "maintenance" which, as it is, simply reproduces the phraseology of the Notification of 1904 will be quite unnecessary and may be dropped. This will also render it unnecessary to retain clause 2 (*b*) of the Bill which we have therefore expunged.

"Maintenance."

This has been defined so as to mean *special repairs* that may be rendered necessary in regard to tanks by unforeseen causes, as opposed to *petty repairs* included in the expression

"Repair."

"maintenance and upkeep." We notice that clause 9 (2) is the only place in which reference is made to such special repair. Instead of having therefore a separate definition of the word we consider it sufficient to substitute the substance of this definition for the word "repair" occurring in the clause mentioned above.

"Village"

The definition as it stands is likely to give rise to the impression that Panchayets may be constituted for purposes other than the control or maintenance of a tank. This, however, is not the object of the Bill. We have therefore substituted the following in place of the existing definition:—

"'Village' includes a group of villages or any specified area for which a Tank Panchayet may be constituted."

"Raiyats."

Instead of enumerating the persons coming under this word as has been done in the Bill we consider that it may be defined next after "customary obligations" so as to mean those persons on whom the obligations devolve, the expression "customary obligations" being thus defined:—

"(7) The expression "customary obligations" means obligations enforceable in regard to tanks under the Notification of the Chief Commissioner of Mysore, No. 65, dated the 2nd October 1873, as amended by Government Notification No. 5262- Agri. 626-03-7, dated the 15th December 1904, and specified in the schedule appended to this Regulation, or under any other law or any rule, order or custom having the force of law."

The definition of the word "raiyat" would then be as follows:

"(8) 'raiyats' shall mean the individuals on whom such customary obligations devolve."

"Patel and shanbhog"

In this definition, for the words "where a Village Tank Panchayet is constituted for a group of villages or for a tank or a group of tanks" we have substituted the words "where there are more than one such patel or shanbhog" so as to suit the altered definition of the word "village."

Clause 3.—Provision has been made here in regard to (1) the objects for which a Panchayet may be constituted; (2) the circumstances under which it may be constituted and (3) the members of whom it is to be composed.

As regards the first, we are of opinion that the clause does not enumerate the objects in sufficient detail and that reference should be made here to the work of restoration, construction and improvement of tanks, which may be undertaken by a Panchayet under old clause 15 (new clause 16) of the Bill. We have accordingly expanded this part of the clause adopting as far as possible the language used in the Chief Commissioner's notification. The amended portion will then run as follows:—

"For the effectual carrying out of the customary obligations of the raiyats, in regard to the maintenance and upkeep of tanks; for facilitating the construction, restoration and improvement of tanks, etc."

Regarding the second point we observe that according to the Bill a Panchayet may be constituted if a certain majority of the raiyats of the village should so desire. It has been represented to us that this condition does not sufficiently safeguard the interests of persons holding extensive wet lands under the tank. The number of such persons may be small, but as they represent large interests we consider that their vote is entitled to far greater weight than their mere numerical strength would justify. We have therefore added a fresh condition requiring that the majority of two-thirds who are competent to call a Panchayet into existence should, among themselves, also own or hold not less than half the occupied area of the wet lands under the tank.

In view of the altered definition of the word "village" we consider it unnecessary to retain the proviso to this clause which is accordingly omitted.

Clause 4.—We agree in the several representations made to us that the property qualification fixed for election as a member of a Panchayet is too high. We have therefore altered the limits to Rs. 20 in the case of wet or garden land-holders, to Rs 10 in the case of dry land-holders and to Rs. 5 in the case of mohatarfa tax

payers. We have also added a provision for the election of persons who may not possess the qualification to vote under any one of these clauses but who may nevertheless, in the aggregate, contribute to Government a revenue more than any one of them taken singly. We have accordingly added a sub-clause so as to bring within the category of qualified persons those raiyats who pay in the aggregate an amount not less than Rs. 25. We have also recast sub-clauses (*a*), (*b*), and (*c*) which with the addition made by us will stand as follows:—

(*a*) pays an annual assessment of not less than Rs. 20 on wet or garden lands in the village, or

(*b*) pays an annual assessment of not less than Rs. 10 on dry lands in the village, or

(*c*) pays in the village an annual mohatarfa tax of not less than Rs. 5, or

(*d*) pays in the aggregate an amount not less than Rs. 25.

Clause 5.—We are of opinion that sub-clause (*a*) of this clause may be substituted by a similar provision made in Section 8 (1) (*e*) of the Village Offices Regulation, IV of 1908, *viz.*, "who has been convicted by Criminal Courts of an offence which in the opinion of the Deputy Commissioner disqualifies him for holding the office;" that sub-clause (*b*) may be omitted and replaced by the provision as to bodily or mental infirmity contained in Section 8 (1) (*c*) of the same Regulation, *viz.*, "who is not physically and mentally capable of discharging the duties of his office;" and that for sub-clause (*d*) may be substituted the corresponding provision made in Section 8 (1) (*a*) of that Regulation, *viz.*, "who is not of the male sex." We have considered it unnecessary to retain insolvency as a ground of disqualification, as it will be quite open to the electors not to select such a person, should they deem such a course necessary.

Clause 6.—As the clause stands at present, raiyats holding dry lands would be ineligible to vote unless they pay mohatarfa tax also, though under clause (4) they would be eligible for being elected to the Panchayet on the ground of holding dry lands alone. The conjunction "and" occurring in this clause between the words "dry lands" and "paying mohatarfa" should therefore be substituted by "or" and the same word should also be substituted for "and" where it occurs between the words "wet" and "garden lands."

Clause 7.—Provision should be made here for the constitution of the Panchayet and the appointment of its members being notified in the official Gazette for general information. We have accordingly added a sub-clause to this effect and have converted the present clause into a subsidiary clause thus:—

"7(*a*) The constitution of a Tank Panchayet and the names of its members shall be notified in the official Gazette.

(*b*) The elected members of the Tank Panchayet shall hold office for a term of three years."

In this connection we observe that the Bill does not contain provisions for filling up vacancies arising in the membership of a Panchayet otherwise than by efflux of time, and for the removal of the members who become disqualified for continuing as such. We are of opinion that provisions made to this effect in Sections 16 and 18 of the Municipal Regulation, VII of 1906, may be adopted here with suitable modifications. We have therefore added the following additional clause:—

"8(*a*) The Deputy Commissioner, if he thinks fit, may, on the recommendation of a Tank Panchayet, remove any member of the Panchayet, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties.

Liability to removal from office.

(*b*) In the event of the death, resignation, disqualification, disability or removal of a member of a Tank Panchayet previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred."

Casual vacancies how to be filled up.

Sub-clause (1) (*f*).—We understand that no separate irrigation cess is set apart for each village and as such we are of opinion that reference made in this sub-clause to the fund collected in each village is unnecessary. We accordingly recommend that the words "collected in the village, being either the whole or portion thereof" be omitted from the sub-clause.

Old clause 9, new clause 10.

Sub-clause (2).—To make the meaning of this sub-clause clear we recommend that for the words "shall be utilised by the Panchayet in executing the annual maintenance works of the major and minor tanks" the following be substituted, *viz.*, "shall be available to the Panchayet for the maintenance and upkeep of the major and minor tanks." We have also made here some other small changes more or less of a verbal character, besides adding a provision for special repairs of minor tanks rendered necessary by unforeseen causes.

Expert opinion as to the advisability of granting tank beds for cultivation is not unanimous. We have therefore considered it necessary to subject the exercise of this power by the Panchayet to the control of the Deputy Commissioner. We have also considered it necessary to confer a substantive power on the Panchayet to exercise the rights referred to in (*c*), (*d*) and (*e*) of sub-clause (1) of old clause 9 (new clause 10). With this addition the clause will run as follows:—

Old clause 12, new clause 13.

"13. (1) The Panchayet shall have power to sell—

(*a*) the right of fishing in the tank under its control,

(*b*) the right of grazing in the tank bed, and the right of cutting and removing the grass on the tank bund, and

(*c*) the produce of the trees in the tank and on the bund, if any.

(2) The Panchayet shall also have power . . . . by it: *provided that it shall be competent to the Deputy Commissioner to prohibit such cultivation in any tank or in every such.*"

We are of opinion that the Panchayet need have power only to regulate the issue of water from the tank, the time during which the supply of water may continue and the quantity that may be issued and that it is inexpedient to entrust it with the power of determining the time for the commencement of the sowing of wet crops which ought to be left to the discretion of each individual holder of lands under the tank. We have accordingly substituted the following for this clause:

Old clause 13.
New clause 14.

"14. For the purpose of irrigation from the tank under its control, a Panchayet shall have power to regulate—

(*a*) the time for the commencement of the issue of water from the tank;

(*b*) the period during which the supply of water is to continue; and

(*c*) the quantity of water to be let out from the tank."

Sub-clause (1) (*a*).—This, as it stands at present, does not make it clear whether the power of the Panchayet to restrict the area of wet cultivation extends to *each individual holding* or to only a *specified portion* of the *aggregate* area. We felt that to adopt either course to the exclusion of the other would lead to practical difficulties and we therefore resolved to leave the discretion in the matter entirely to the Panchayet. Hence the addition of the words "or any of them" between the words "all" and "wet lands" in line one of this sub-clause.

Old clause 13.
New clause 14.

Sub-clause (1) (*b*).—As the power conferred by this sub-clause is already implied in the power to regulate the issue of water given in the previous clause, we recommend that this be omitted.

Sub-clause (2).—For the reasons assigned for the insertion of similar provision in clause 3, we have inserted the words "holding in the aggregate not less than two-thirds of the occupied area of" after the word "holding" occurring in the last line of this sub-clause.

WHEREAS with a view to remedy these defects [and to revive the communal spirit among the raiyats], it is expedient to constitute [Village] Panchayets to have control over the tanks and to administer the funds that may be assigned for their restoration, repair and maintenance;

His Highness the Maharaja is pleased to enact as follows:—

Short title. 1. (1) This Regulation may be called the "[Village] Tank Panchayet Regulation, 19[08]."

Local extent. (2) It extends to the whole of Mysore, and

Commencement. (3) it shall come into force on the [first day of January 1909].

Definitions. 2. [(*a*)] In this Regulation, unless there is something repugnant in the subject or context—

(1) "Tank" means any source of irrigation and shall include an anikat, a voddu, a talparige; and a channel whether used as a feeder, irrigation or distribution channel and whether drawn from a tank, anikat, river, or water-course.

(2) "A major tank" means a tank the annual assessment on whose irrigable area is not less than Rs. 300 and shall also include such other tanks as the Government may for any reason notify as major tanks;

All other tanks are "minor tanks."

(3) "Construction" means the creation of a new tank.

(4) "Restoration" means restoring to an efficient condition a tank which, from neglect, accident or other cause, has fallen into disuse or become impaired or less efficient than formerly.

(5) "Improvement" means increasing the capacity of a tank so as to provide additional water for irrigation or otherwise rendering it more useful for purposes of irrigation.

[(6) "Maintenance" means works of petty repair required to keep or maintain a tank at the standard of safety that may be fixed for it after its construction, restoration or improvement, and includes the following:—

(i) The maintenance of the bund to the standard level and with the slopes specified, the specification of the level and slope being in accordance with the existing state of things and being approved both by the Executive Engineer and the Deputy Commissioner of the District.

(ii) The filling up of gullies or other inequalities caused by rain, the treading of cattle, etc., upon the bunds of tanks and channels.

(iii) The checking of the growth on bunds of prickly-pear, and any similar rank and pernicious weed.

(iv) The clearing of any underwood from the bunds of tanks wherever it may be injurious.

(v) The clearing and repair of the earthwork of petty and branch channels, and the clearing away of the accumulations in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields.

(vi) The keeping in order the supply channels of tanks.

(vii) The watching of the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluice, and generally the performance of minor duties of this nature in order to prevent breaches and other accidents.]

[(7) 'Repair" means special repairs rendered necessary by storm, flood, or other unforeseen accident.]

[(8)] (*6*) "Village" includes a group of villages [for which a Village Tank Panchayet may be constituted or where such Panchayet is constituted for the control of a tank or group of tanks, the area comprised within such limits as the Government may direct.] *or any specified area for which a Tank Panchayet may be constituted.*

Old clause 15.
New clause 16.

We have recast sub-clause (1) of this clause as follows :—

"With the approval of the majority of not less than two-thirds of the raiyats, a Tank Panchayet may undertake the construction, restoration or improvement, as the case may be, of a minor tank, with the exception of the masonry and stone work."

Old clause 16.
New clause 17.

We have inserted the words "under Sections 10 and 12 of this Regulation" after the words "tank fund" occurring in line 1 to make it clear as to what particular items the procedure specified in the clause is to be applied.

Old clause 18.

We have expunged this clause as unnecessary. The provisions contained herein have been sufficiently brought out in the definition of the expression "Customary obligations."

Old clause 19.

We have numbered this as *Clause* 20, and added the following new clause so as to provide for the protection of the members of the Panchayet from suits for acts done by them *bonâ fide* in the proper performance of their duties as such members :—

"19. No member of the Panchayet shall be liable to be sued for any act *bonâ fide* done or ordered to be done in pursuance of the provisions of this Regulation." (Cf. Section 223, Land Revenue Code.)

Old clause 19.
New clause 20.

We consider that provision should be made here so as to empower Government to frame rules for the guidance of Panchayets in regard to the collection of rents, etc., referred to in old clause 9 (new clause 10). We have accordingly added the following to sub-clause (2) of this clause, *viz.*:—

"(*f*) prescribe the procedure to be followed by Panchayets for collecting the receipts referred to in clauses (*a*) to (*e*) of sub-section (1) of Section 10."

The other alterations not noticed in this report are either purely verbal or consequential to those recommended above.

We recommend that the Bill as amended by the Committee be published in the Gazette for general information.

7th August 1909.

K. P. PUTTANNA CHETTY.
A. RANGASWAMI IYENGAR.
S. NARAYANA RAO.
D. DEVARAJ URS.
C. SRINIVASIENGAR.
M. C. RANGIENGAR.
B. NAGAPPA.

NOTE by Rajamanthrapravina Mr. C. Srinivasiengar :—

"I have still some doubts as to the practicability and suitability of the provisions contained in old clause 14 and new clause 15, but I am quite willing they should be given a fair trial before they are condemned. The restrictions embodied in the clause are a sufficient guarantee that a perpetration of irreparable mischief will not be permitted.

The [Village] Tank Panchayet Bill.

(As amended by the Select Committee.)

N.B.—The portions in square brackets are those deleted by the Select Committee and those in italics newly added.

Preamble.

WHEREAS the customary obligations of raiyats in Mysore in regard to the maintenance of major tanks and the restoration, repair and maintenance of minor tanks, have not been satisfactorily carried out in the past; and

WHEREAS this result is mainly due to the disappearance of the communal spirit among the raiyats and to the absence of sufficient inducements to make them take an interest in their tanks; and

(*b*) [who has been declared an insolvent], *who is not physically and mentally capable of discharging the duties of his office*, or

(*c*) who is less than 21 years of age, or

(*d*) who is *not* of the [female] *male* sex.

Number of elected members of Panchayet.

6. The number of elected members of a [Village] Tank Panchayet shall be fixed by the Deputy Commissioner; and of the number so fixed such number, not less than one-fourth or more than one-half, as may be decided by the Deputy Commissioner, shall be elected by the raiyats holding dry lands [and] *or* paying mohatarfa but not holding wet [and] *or* garden lands, from among themselves; and the rest shall be elected by the raiyats holding wet [and] *or* garden lands with or without dry lands, from among themselves.

7. (*a*) *The constitution of a Tank Panchayet and the names of its members shall be notified in the official Gazette.*

Term of office of elected members.

(*b*) The elected members of a [Village] Tank Panchayet shall hold office for a term of three years.

Liability to removal from Office.

8. (*a*) *The Deputy Commissioner, if he thinks fit, may, on the recommendation of the Tank Panchayet, remove any member of the Panchayet, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct, or has become incapable of performing his duties.*

Casual vacancies how to be filled up.

(*b*) *In the event of the death, resignation, disqualification, disability or removal of a member of a Tank Panchayet previous to the expiry of his term of office, the vacancy shall be filled up as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.*

Patel to be Chairman of Panchayet.

[8] 9. The Patel shall be the Chairman of the [Village] Tank Panchayet and shall conduct all correspondence on behalf of the Panchayet.

The Tank Fund.

[9] 10. (1) The Panchayet shall have control over a fund to be called the [Village] Tank Fund, made up of the following items:—

(*a*) the amounts collected from raiyats under Section [11] 12;

(*b*) the rent or value of the share of produce received under Section [12] *13*;

(*c*) the sale proceeds of the right of fishing in the tank, if any;

(*d*) the sale proceeds of the right of grazing in the tank bed and of the right of cutting and removing the grass on the tank bund;

(*e*) the sale proceeds of the produce of the trees in the tank and on the bund, if any;

(*f*) such grant out of the irrigation cess fund [collected in the village, being either the whole or a portion thereof], as the Government may, from time to time, make to the fund;

(*g*) any other grant which the Government may make to the fund;

(*h*) any advance which the Government may make to the Panchayet under Section [15] *16* for the execution of the masonry and stone work; and

(*i*) any loan which the Government may make to the Panchayet for carrying out the purposes of this Regulation.

(2) The fund shall be deposited in the Government Savings Bank or with any Agricultural Bank or Co-operative Society approved by the Deputy Commissioner, and shall be [utilized by] *available to* the Panchayet [in executing] *for* the [annual] maintenance *and upkeep* [works] of the major and minor tanks; [and the] *for special* repairs of the minor tanks *rendered necessary by unforeseen causes* [under its control] and for the construction, restoration or improvement of any minor tank, which may be entrusted to the Panchayet under Section [15] *16*.

(3) An account of the Administration of the fund during each official year shall be submitted by the Panchayet to the general body of the raiyats at a meeting to be held within one month after the close of the official year.

[(9) "Raiyats" shall include Pattadars, Shikmidars, Inamdars and others holding lands attached to the village, either dry, garden or wet, and inhabitants of the village and all others deriving any benefit whatever from the tank either directly or indirectly.]

7. The expression "customary obligations" means obligations enforceable under the Notification of the Chief Commissioner of Mysore, No. 65, dated the 2nd October 1873, as amended by Government Notification No. 5262—Agri. 626-03-7, dated the 15th December 1904, and specified in the schedule appended to this Regulation or under any other law or any rule, order or custom having the force of law.

(8) "Raiyats" shall mean the individuals on whom such customary obligations devolve.

[10] (9) "Patel" and "Shanbhog" mean the persons officiating as patel and shanbhog, respectively, of the village, and where [a Village Tank Panchayet is constituted for a group of villages or for a tank or group of tanks,] *there are more than one such patel or shanbhog*, such one of the patels and such one of the shanbhogs, respectively, as may be selected by the Government for the purposes of this Regulation.

[(b) Whenever reference is made in this Regulation to the customary obligations of raiyats, in connection with the restoration, repair or maintenance of tanks, such reference shall, unless a different intention appears, be taken as applying to the obligations of raiyats as laid down in the Notification of the Chief Commissioner of Mysore, No. 65, dated the 2nd October 1873, with the alterations made therein by Government Notification No. 5262—Agri. 626-03-7, dated 15th December 1904.]

Constitution of [Village] Tank Panchayets.

3. For the effectual carrying out of the customary obligations of the raiyats in regard to the [restoration, repair and] maintenance *and upkeep* of tanks; *for facilitating the construction, restoration and improvement of tanks* and for the better regulation of the use of water from tanks for purposes of irrigation, there may be constituted for any village, where the Government may consider it expedient to do so, and where a majority consisting of not less than two-thirds of the raiyats *holding in the aggregate not less than half the occupied area of wet lands under the tank* so desire, a [Village] Tank Panchayet composed of the patel and the shanbhog and three or more members elected by the raiyats as hereinafter prescribed.

[Provided that instead of constituting a Village Tank Panchayet for a single village, the Government may, in special cases, constitute a Village Tank Panchayet as above for any specified tank or group of tanks or for a group of villages.]

Qualifications for election to Panchayet.

4. Subject to the disqualifications mentioned in Section 5, every raiyat who

(a) [owns wet or garden lands in the village on which the annual assessment is not less than Rs. 50,] *pays an annual assessment of not less than Rs. 20 on wet or garden lands in the village*, or

(b) [owns dry lands in the village on which the annual assessment is not less than Rs. 20] *pays an annual assessment of not less than Rs. 10 on dry lands in the village*, or

(c) pays in the village an annual mohatarfa tax of not less than Rs. [10] 5, or

(d) *pays in the aggregate an amount not less than Rs. 25*,

shall be qualified for election to the Panchayet.

Provided that the Government may, by notification published in the official Gazette, reduce, for any local area, the minimum amounts of assessment or mohatarfa tax prescribed above.

Disqualifications for election to Panchayet.

5. No person may be elected as a member of a Panchayet,

(a) who has been [sentenced] *convicted* by a Criminal Court [for] *of* an offence which in the opinion of [Government implies moral turpitude, such sentence not having been subsequently reversed or quashed] *the Deputy Commissioner disqualifies him for holding the office*, or

consent of a majority of not less than two-thirds of the raiyats holding *in the aggregate not less than two-thirds of the occupied area of* wet lands under such tank.

(3) If, in accordance with a decision of the Panchayet under clause (*a*) of Sub-section (1) any land assessed as wet is not supplied with water for irrigation, the holder of such land shall be entitled to remission of half the assessment of such land.

Panchayet may be entrusted with construction, restoration and improvement of minor tank.

[15] *16.* (1) [If,] With the approval of a majority of not less than two-thirds of the raiyats [who would derive benefit from the construction, restoration or improvement of a minor tank,] a [Village] Tank Panchayet [agrees to] *may* undertake the construction, restoration or improvement, as the case may be, of (such) *a* minor tank, [the execution of all the necessary work,] with the exception of the masonry and stone work. [may be entrusted to the Panchayet].

(2) The masonry and stone work required shall be executed by the Government at its cost; but if the Panchayet undertakes to execute it, such work may also, at the discretion of the Deputy Commissioner, be entrusted to the Panchayet, the estimated cost of such work being advanced to the Panchayet by the Government.

(3) The Panchayet shall be bound to have all the work [entrusted to] *undertaken by* it executed according to the specifications and constructive details furnished by the Deputy Commissioner and within such time as may be allowed by the Deputy Commissioner.

Recovery of moneys due to Tank Fund.

[16] *17.* All moneys due to the [Village] Tank Fund *under Sections 10 and 12 of this Regulation* shall, in default of payment by the person from whom such moneys may be due, and on the application of the Panchayet, be recoverable by the Deputy Commissioner as arrears of land revenue.

Power of Government to abolish Panchayet in case of incompetency, default or abuse of powers

[17.] *18.* (1) If, in the opinion of the Government, any [Village] Tank Panchayet is not competent to perform, or persistently makesdefault in the performance, of the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the official Gazette, abolish the Panchayet.

(2) When a Panchayet is so abolished—

(*a*) the members of the Panchayet shall, as from the date of the order, vacate their offices as such members; and

(*b*) the Deputy Commissioner shall take charge of the funds of the Panchayet, if any, and shall enforce the customary obligations of the raiyats in the same manner as if the Panchayet had not been constituted and may utilise such funds for the purposes referred to in Section [9] *10* in the same manner as the Panchayet may have utilised the same.

(3) A Panchayet thus abolished may, after such time as the Government may think fit, be reconstituted under the provisions of Section 3.

[Obligation of the raiyats under the ordinary law unaffected.]

[18. Nothing in this Regulation shall be deemed to relieve the raiyats of any of their obligations under any law, or any rule, order or custom having the force of law, in regard to the restoration, repair and maintenance of tanks.]

Protection of members of Panchayet for acts done bona fide.

19. *No member of the Panchayet shall be liable to be sued for any act bona fide done or ordered to be done in pursuance of the provisions of this Regulation.*

Power of Government to make rules and the matters in regard to which rules may be framed.

[19] 20. (1) The Government may, for the whole or any part of Mysore, or for any Panchayet or group of Panchayets, make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

[10] *11.* When a [Village] Tank Panchayet comes into existence under Section 3. the enforcement of the customary obligations of the raiyats for the [repair and] maintenance *and upkeep* of all the tanks in the village, shall thereafter vest in the Panchayet :

Consequence of Panchayet coming into existence.

Provided that the Government may exclude any tank or tanks in the village from the control of the Panchayet.

[*11*] 12. (1) The Panchayet shall have the power to apportion the work required for the [repair or] maintenance *and upkeep* of the tank or tanks under its control, among the raiyats according to their respective obligations.

Power of Panchayet to apportion repair and maintenance work among raiyats or to carry out work and recover cost from raiyats.

(2) If a raiyat fails to do the work allotted to him or prefers to commute his quota of labor into a money payment, the Panchayet shall itself get the work done out of the funds at its disposal, recovering from him the cost [of such work] *thereof* as fixed by it.

(3) For determining the amount to be recovered from a raiyat under the last preceding sub-section, the Panchayet shall have the power to fix the wages of labour per diem, subject to such maximum and minimum rates as may be laid down by the Government.

13. (1) The Panchayet shall have power to sell—

(a) the right of fishing in the tank under its control,

Power to sell right of fishing, grass etc.

(b) the right of grazing in the tank bed and the right of cutting and removing the grass on the tank bund, and

(c) the produce of the trees in the tank and on the bund, if any.

[12] (2) The Panchayet shall *also* have power to grant the bed of the tanks under its control for temporary cultivation of quick-growing crops on such terms as regards payment of rent or share of produce as may be deemed fit by it, *provided that it shall be competent to the Deputy Commissioner to prohibit such cultivation in any tank or in any season.*

Power to grant tank bed for cultivation.

[13. The Panchayet shall have power to decide on the time for commencing the sowing of wet crops on the wet lands below the tanks under its control and to regulate the issue of water for irrigation from such tanks.]

[Power of Panchayet to regulate the issue of water for irrigation.]

14. For the purpose of irrigation from the tank under its control, a Panchayet shall have power to regulate

(a) the time for the commencement of the issue of water from the tank ;

Power to regulate the issue of water for irrigation.

(b) the period during which the supply of water is to continue ; and

(c) the quantity of water to be let out from the tank.

[14] *15. (1)* A [Village] Tank Panchayet, specially empowered by Government in this behalf, may, in any year, having regard to the quantity of water available in any tank under its control,

Power to restrict wet cultivation.

(*a*) determine the portion, out of all *or any of the* wet lands in the irrigable area of such tank, to be cultivated with wet crops and confine the supply of water for irrigation to such portion ;

[(*b*) refuse to allow water from the tank for the cultivation of sugarcane to all or any of the lands in its irrigable area :]

[(*c*)] (*b*) select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of growing sugarcane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

(2) No such power as is referred to in Sub-section (1) shall be conferred on a [Village] Tank Panchayet in regard to any tank under its control except with the

(*a*) provide for the preparation of lists of persons qualified to vote under Sections 6, [14] *15* and [15] *16* and of persons qualified for election to the Panchayet under Sections 4 and 5;

(*b*) prescribe the procedure to be adopted at meetings of voters

(*c*) prescribe the procedure to be adopted by Panchayets at their meetings;

(*d*) prescribe the accounts and books to be kept by Panchayets and provide for the audit of such accounts;

(*e*) prescribe the accounts, returns and reports to be furnished by Panchayets.

(*f*) *prescribe the procedure to be followed by Panchayets for collecting the receipts referred to in clauses (a) to (e) of sub-section (1) of Section 10.*

SCHEDULE.

Rules for the Maintenance of Tanks.

Rule 1.—The enforcement of the Rules for Tank Maintenance is entrusted to the Patel of the village to which the tank or tanks are attached.

Rule 2.—The individuals to be held responsible for the maintenance and upkeep of the tanks are the Pattadars, Shikmidars, Inamdars and others holding lands attached to the village, either dry or wet, inhabitants of the village, and all others deriving any benefit whatever from the tank, either directly or indirectly.

Rule 3.—The proportion of work to be done by each of the above-indicated individuals will be decided by the Patel and Shekdar, according to the amount paid by each to the Government for lands, houses, or other property, etc., attached to the village, such proportion to be constant, no matter what quantity of work has to be carried out. Dissentients to have the ordinary right of appeal to higher authority. The proportion of work to be done by Inamdars will be fixed in the same manner; their lands, etc., being valued at the same rates as those paid for similar property belonging to Sirkar raiyats.

For the purposes of this rule, one rupee of the dry or mohatarfa assessment shall be regarded as one-third of a rupee of wet and garden assessment.

Rule 4.—The works falling under the head of tank maintenance as detailed in Appendix A will be ordinary earth and turf work, repairs of every description connected with the tanks and their subsidiary works; excepting such as may be specially exempted and noted in the tank book as to be kept in repair by Government.

Rule 5.—The above repairs shall, as a rule, be carried out simultaneously at periods to be fixed by the Patel; but when necessary (as in cases of damages done by rain, floods, etc.), the requisition of the Patel for immediate repairs must be at once attended to.

Rule 6.—In case of default by any individual in the execution of his obligations, as above laid down, the Patel is empowered and required to carry out the portion of the work that ought to have been done by the defaulter, by paid labour, the cost being recovered from the defaulter as a revenue demand.

Rule 7.—The village Patel will be held primarily responsible that the tanks are maintained up to the standard laid down for each in the tank book, and it will be the duty of the Shekdar to satisfy himself, by personal inspection in each case that this has been done.

Rule 8.—A regular inspection of each tank in his taluk shall be made annually between the months of October and January by the Amildar himself, so far as is possible; otherwise by a responsible officer specially deputed for such duty by the Amildar, and the results of this inspection are to be entered in a register as per annexed form, Appendix B.

Rule 9.—Whenever a tank, on such inspection, is found not to be up to the standard, a second inspection is to be made of the tank, prior to the end of April, by which time the repairs must be completed, failing which, the unexecuted repairs will be carried out by the Amildar and the cost recovered from the defaulters as revenue demand.

Rule 10.—A duplicate copy of the register will be forwarded by the Amildar to the District Revenue Officer prior to the 1st June, by which date all tank works should be completed.

Rule 11.—Assistant Commissioners in charge of taluks or otherwise employed in taluks, are expected during the period of Jamabandi and on other convenient occasions, personally to inspect as many tanks as possible, and test the accuracy of the taluk returns, entering the date of inspection and their remarks in the form attached to the tank book for that purpose. The result of their inspection will be communicated to the Deputy Commissioner at once on completion.

Rule 12.—Similar duties will be performed by the Deputy Commissioner, who will be held responsible that the abovementioned rules are duly and intelligently carried out and not allowed to become a mere form.

Rule 13.—Works ordered to be carried out to any tank by an officer of the Public Works Department of the Engineer grade will be done at once on that officer's responsibility. Should any portion of such work form no part of the duty of the raiyats, the usual notification of sanction for the same will be submitted by the Amildar through the proper channel. Work considered requisite, after inspection by an officer of the Public Works Department of the subordinate grade, will be reported by him without delay to his departmental superior, and in cases of urgency direct to the Amildar also.

Appendix A.

(Showing the work to be done by raiyats.)

1. To maintain the bund to the standard level and with the slopes specified.

NOTE.—The specification of the level and slope must be in accordance with the existing state of things and must be approved both by the Executive Engineer and the Deputy Commissioner of the district.

2. To fill up gullies or other inequalities caused by rain, the treading of cattle, etc., upon the bunds of tanks and channels.

3. To check the growth on bunds of prickly-pear, and any similar rank and pernicious weed.

4. To clear any underwood from the bunds of tanks wherever it may be injurious.

5. To clear and repair the earthwork of petty and branch channels, and clear away the accumulations in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields.

6. To keep in order the supply channels of tanks.

7. To watch the bunds of all tanks during rainy weather, to turf the parts acted on by the waves, to help in opening and closing the sluice, and generally to perform minor duties of this nature in order to prevent breaches and other accidents.

Appendix B.

Inspection Report on the tanks in the Taluk for the season ending

Hobli	Name of village	Name of taluk	Number of tank	Date of inspection	By whom inspected	Copy of observations made in tank book: Bund if level and up to benchmarks of full width, clear of jungle and weeds and free from holes or not	Slopes if full and free from ruts, turfing if in good order or otherwise	Revetment in what condition	Sluice if in or out of order	Waste-weir if perfectly secure and free from leaks	Condition of subsidiary works including feeders and distribution channels	Signature and remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

Serial No. 38

Draft of the Select Committee's report on the Tank Panchayet Bill.

1) On an examination of the report and the bill as revised the following points suggest themselves — [The references are to the clauses of the bill as revised, except where the contrary is specially mentioned].

2) Clause 4. "Pays" in sub-clauses (a), (b), (c) and should be "pays (on his own account)". The suggestion of the R. A. members (vide linked file) that actual holders of waste lands who may not pay the amount of assessment prescribed but who hold lands on which the assessment is not less (either rent free or on reduced jodi) should be included in the entitled to be elected to the Panchayet, is to be adopted.

unnecessary
H.C.B.

I agree
K.V.
17/3/40

Shall this be included in draft as a clause
H.C.B.

3) Clause 5 (b). Who is to decide physical or mental incapacity? It seems to me that the argument advanced in the draft report against retaining insolvency as a ground of disqualification, viz. that "it will be quite open to the electors not to select such a person" applies with greater force in cases of "physical or mental incapacity" which each voter can only judge for himself. But insolvency is a definite disqualification based on the decision of a judicial tribunal &

This may be left to the discretion of Deputy Commr as in sub clause (a).
An insolvent is not always an undesirable person as a panchayatdar he may command much influence in the village. notwithstanding the insolvency
K.V.
17/3/40

Note—Contn. sheet.

1) Omit insolvency
H.C.B.

Keep as Select committee has framed

In rules appeal to be provided for
H.C.B.

GPB—50,000—18-5-05.

Serial No.

There can be no doubt or dispute about it. I am of opinion that the old Sub-clause (6) should be retained, and the new Sub-clause (6) proposed by the Select Committee omitted.

(4) Clause 8(a). Is it desirable to give the Deputy Comr the power to remove an Elected member of a Panchayet, on such Vague grounds as "disgraceful Conduct"? Should not the removal be subject to the Sanction of the Govt? The only ground for removing an Elected member need be the coming into Existence during the period of his membership of any disqual circumstance which if it had Existed prior to his Election, would have disqualified him under clause 5.

This was taken from the Municipal Regulation. The power may be exercised by D.C. subject to the same terms of Govt.

17/3/10

adopt

Leave it to Legislative Council

Leave it to Legislative Council

I agree

adopt

(5) Clause 9. Whether the Panchayet may not Elect its own Chairman is a point for consideration. Vide Record of meeting of R. H. Members in bunched file.

(6) Clause 10(2). I would substitute "Extraordinary" for "unforeseen".

extraordinary

(7) Clause 15. Since clause 3 as revised by the Select Committee provides that no Tank Panchayet shall be formed without the consent of ryots holding in the aggregate not less than half the occupied area under a tank (thus practically ensuring the consent of a majority of the persons interested) is it necessary to provide that the power referred to in this clause shall only be Exercised under the special sanction of the Govt, and that such Sanction shall only be given on the recommendation of two-thirds

The two powers are quite distinct. The power under clause 15 is so important and of far reaching consequences that the special sanction of Govt is necessary. It affects Govt revenue

17/3/10

Lit Select Committee's

recommendation

Serial No.

of the wet land holders?

(8) Clause 17. "under Secs. 10 + 12" ~~etc~~ may be altered to "under Section 10", since the moneys referred to in clause 12 are included in Clause 10(a) and it is therefore unnecessary to specially refer to clause 12, any more than to clauses 13 or 16.

I agree

(9) Clause 18. may, I think, be retained. There is no harm in affirming that the obligations of the rysts under the ordinary law remain unaffected.

I agree

(10) Clause 19. we may substitute "in good faith" for "bona fide". "done or ordered to be done in good faith"

I agree

(11) Clause 20(ff). Instead of saying "for collecting the receipts referred to in clauses (a) to (e) of Sub-Section (1) of Section 10" we may say "for collecting their dues".

I agree

(12) Please circulate to Councillors and bring up at a Council meeting.

14/12/09

Circulate

Sd/- 2nd Councillor

16/12/09

17/12/09

Sd/- 1st Councillor

14 Dec 09

Sd/- Chairman (Dewan)

2416

SN 16/12

(13) I have made notes in pencil on the draft which may be considered also at the meeting of Council

Serial No.

(2) I have only one or two general remarks to make. The Select Committee have altered the title of the Panchayat with the object of preventing the misapprehension that it may be taken as having a larger province allotted to it than the care of tanks. It seems worth considering whether we may not keep the title & other provns general enough for our taking in other duties such e.g. as sanitation, to it, if we find its work in one department satisfactory.

(3) The obligations of ryots under the Bk. Crs notn are emphasised and it is proposed to print the said notn as an annexure. The object of such legislation is to replace customary obligations & duties created by executive orders & by regular ones, and the replaced older regulations by the new one. It seems to me anomalous and objectionable to repeat the old rules as an

NOTE—Contn. sheet.

GPB—55,000—27-1-09

Serial No.

86

authority for the "regulation" duties. It looks as though we are not quite certain of the power or the expediency of imposing any ~~new~~ obligations by the sole authority of our regulations. Such an implicit admission (whether intentional or unconscious) is quite objectionable and ought ~~to~~ not to be ~~exhibited~~ made.

(4) If any of the alterations proposed are adopted, I presume that we shall have to remit the bill for consideration to the Select Committee or move amendments on behalf of Govt.

adopt

14/2/10

14/2/10

Sd C

Mr Hiranmayer will please bring up

17/2/10

18/2/10

GPB—55,000—27-4-09

Serial No.

40. The 1st Councillor has made some marginal remarks on pp. 1, 2, & 3

41. Regarding the points raised by the 2nd Councillor in his note and in the body of the printed Copy of the Bill, the 1st Councillor suggested that the matter may be brought up at an early meeting of the Executive Council

43. Submitted to Secretary

17/3/10.

44. Submd to Secretary

17/3/10

45. Please bring up at a Council meeting, to be taken up section by section

17/3/10

The report of the Select Committee has not yet been published.

The Committee has in fact ceased to exist - by effluxion of time. Further Amendments will have to be brought up in Council. In these circumstances the report may think be published and Criticism invited as usual before taking up the Bill for final Consideration. By that time Col. Grant's opinion may also be rec'd

17/3/10

NOTE—Contn. sheet.

GPB—55,000—27.4.09

Dy 7-29-20

114

Submitted to His Highness.

46. The report of the Select Committee appointed by the Legislative Council to consider the Village Tank Panchayet Bill has, in view of the importance of the proposed measure, been considered by the (Executive) Council to decide on the amendments, if any, to be moved on behalf of the Government. I submit for information the opinion of the Council on the Select Committee's report. If approved, the amendments indicated in the Council Resolution will be moved on behalf of the Government when the Bill and the Select Committee's report are taken into consideration by the Legislative Council.

In.

5468/9.4.11

C372/8.4.10

Extract from the Proceedings of the 248th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 21st, 22nd, 24th & 28th March 1910.

X. Subject.-(Clause II of Schedule).

The Report of the Select Committee appointed to consider the Village Tank Panchayet Bill.

Opinion of the Council.

The following charges are necessary in the Bill as amended by the Select Committee.

(1) Preamble. The preamble even as amended by the Select Committee is unnecessarily long and reproduces matters which have been explained sufficiently in the statement of objects and reasons. The following short preamble may therefore be adopted in place of the Existing one Viz.

" Whereas with a view to provide that the obligations of Ryots in regard to the maintenance of major tanks and the restoration, repair and maintenance of minor tanks shall be satisfactorily carried out, it is expedient to constitute Punchayats to have control over the tanks and to administer the funds that may

GPB—300—29.4.09

be assigned for their restoration, repair and maintenance ."

(2) Definition "of" "Tank" in clause 2 (a) 1. The existing definition of "tank" appears to be too wide, as it may include for even a well. The words "means any source of irrigation and " may therefore be omitted from the definition.

90

(3) Clause 2(a) 10. The power of appointing a Shanbhogue or Patel for the purposes of the Regulation where there are more than one of them may be delegated to the Deputy Commissioner as the Government can not, in such details act independently of the recommendation of the Head of the District The word "Deputy Commissioner" may therefore be substituted for "Government" in this para.

(4) Clause 3. To avoid repetition and to simplify the wording, this clause may be recast as follows:-

"For any village for which the Government may consider it expedient to do so and where a majority consisting of not less than two-thirds of the Ryots and holding in the aggregate not less than half the occupied area under the tank so desire, the Government may constitute a Punchayet composed of the Patel and the Shanbhogue and three or more members elected by the Ryots as hereinafter prescribed."

(5) Clause 4. (a) The wording of sub clause (d) of this clause may be improved by substituting the following:-

"(a) pays on one or more accounts an aggregate amount of not less than Rs.25 and "

(b)

(b) To meet the representation made by the members of the Representative Assembly that this clause as now worded excludes Inamdars who though they may not actually pay the assessment fixed in sub clauses (a- to (d) of sub section (1) may nevertheless enjoy Inam lands whose survey valuation is not less than the minima prescribed in the above sub clauses, it is considered desirable that the following should be added as ~~sub section~~ (2) to clause 4.

"Every person who is in possession of an Inam of wet, garden or dry lands in the village the survey valuation of which is not less than the minimum prescribed in respect of these lands in clauses (a) & (b) of sub section (1) or who is in possession of Inam lands in the village the aggregate survey valuation of which added to any mohatarfa tax which he might pay in the village, amounts to not less than Rs.25."

Clauses 5 (a)& (b). In regard to the disqualification laid down by these sub clauses, it is desirable that the party aggrieved by the order should have a right of appeal to a higher authority. This may be provided for in the bill.

(7.) Clause 8 (a). The Select Committee have given the power of removing the member of a Punchayet to the Deputy Commissioner on the recommendation of the Punchayet. The exercise of this important power should be subject to the previous sanction of Government. The words "and subject to the sanction of Government" should therefore be added after the words "on the recommendation of the Punchayet."

dep 2 BB-10 125 -27

In this sub section the word "extraordinary" may

(8) Clause 10 (2) be substituted for "unforeseen."

The reference to clause 12 in this clause is un-

(9) Clause 17. necessary as clause 10 includes dues coming under the former clause.

(10) Old clause 18. The Select Committee have recommended the omission of clause 18 of the draft Bill and the substitution in its place of a comprehensive definition of the phrase "customary obligations" and the publication of the Chief Commissioner's notification of 1873 as amended in 1904 (regarding the maintenance and upkeep of the tanks) as an annexure to the Bill. This procedure has certain disadvantages. In the first place, it is undesirable that the legality of that notification should be thrown open to discussion in the Legislative Council by being made a part of the Bill under consideration.

Secondly, if we attempt to define the obligations of the Ryots in respect of the maintenance of the Tanks we should be able to do so thoroughly and in ~~the~~ precise ~~xinm~~ terms. This is impracticable if only on account of the variety of local customs prevalent in the different parts of the State. The Council is therefore of opinion that it is sufficient if obligations are defined as those which are laid down in the Chief Commissioner's notification as amended in 1904, retaining at the same time the old clause 18 in its entirety so as to save the obligations, if any, under any other law or rule or custom having the force of law.

Leg 1-25-10 (12th 10

Accordingly the Council recommend that old clause 18 be retained and the words "specified in the schedule ..... force of law" occurring in the definition of the phrase "customary obligations" be omitted.

As a consequence of this, the definition of the word "maintenance" in clause 2 which merely reproduces the words of the notification of 1873 as amended in 1904 and which the Select Committee have recommended to be omitted may be re-inserted with a slight verbal change viz. the word "etc" in sub clause (ii) being replaced by the expression "or any other cause."

93

(11) Clauses 19 & 20. Some verbal changes are necessary in this and in the last clause viz:- the phrase "in good faith " to be substituted for "bonafide" in clause 19;
and the word "their dues" to be substituted for the expression "receipts referred to in clauses (a)to (e) of sub section 1 of section 10."

N.B.- Except where otherwise indicated the references are to the clauses of the Bill as renumbered by the Select Committee.) "

Sd- T Ananda Row.
Dewan of Mysore.

"Extract"

CS Balasundaramayya
Offg. Secretary to Govt.

Leg & Y-10 (165

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Opinion of the Council (Executive) on the report of the Select Committee appointed by the Legislative Council to consider the Village Tank Panchayet Bill.

13-4-10
1049.

748

752

Order.

48. Approved
~~KRW~~
14/4/10

Please submit this to me as soon as the Council is fixed for meeting

16/4/10

Please submit this to me as soon as the Council is fixed for meeting

16/4/10

Please submit this to me as soon as the Council is fixed for meeting

16/4/10

G. P. S. 12]
General and Revenue Secretariat.

File No. 29 of 1910

Serial No.

D.O. from Mr. J. Finnemore, M.A., Under Secretary to Govt. to the Hon'ble Mr. Subhan, dated 1st inst. from Dewan's order fixing the date of the meeting of the Leg. Council was received today (9th inst.)

2. In the list of business sabd to the Diwans' information I alluded to the large number of amendments which have to be introduced on behalf of the Govt. to the Village Tank Bill. I have placed below a typed list of these amendments as approved by both the Councillors. Will you please obtain the Dewan's orders?

95

3. The amendments are all (except a few to be explained presently) covered by the Council Resolution. Those that are not covered are the following.

(Postage) N.Z.

(1) No 4. This is an amendment to cl 3 as amended by the S.C. The Council Resolution contains the amendment but the words "of wet lands" "after "occupied and" have been omitted. These words are necessary as the idea (of the Select Committee) was that the wetland owners should have a definite voice in deciding whether a purchase is to be called into existence or not. (Please see vide p. of the Select Committee on cl 3. para 4 of the report)

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

I believe it was not the intention of the Executive Council to change this. The wording of cl 3 was changed because it contained (like the preamble) a lot of unnecessary words and matter. As the omission of the words "of wet lands" in the ~~resolution~~ Council resolution appears to be due, therefore, to an oversight, it is proposed to insert them now.

(Both the Councillors have agreed)

96

(2) ~~Cl Clause~~ Amendment No 6. Clause 5.

This is to give Effect to the Council Resolution — para 6.

(3) Motion no 8. Clause 10.

This is a verbal amendment, intended to save unnecessary repetition. Please see Clauses 12 & 13 (1) (c).

(4) Motion no 10. Clause 15 (2).

(a) The omission to insert this Conjunction "and" seems to have been an oversight:

NOTE—Contn. sheet.

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Serial No.

in drawing up the report of the Select Committee whose idea was that the Section should be worded on the analogy of the words in Clause 3 (please see the report of the S.C. on this point (p. 4 of the printed book). Their intention was that before the power contemplated in the Section could be confirmed on any purchaser, Raiyats holding among themselves not less than two-thirds of the occupied area of wet lands under the tank should consent to it. This was in addition to the other condition that a numerical majority of two-thirds should also consent. If the word is "and" is omitted the clause becomes ambiguous as the phrase "holding ... tank" then owned (governs) "Raiyats" and not "majority". The fact thus remains. In other words, the former condition would be removed altogether.

(4) The Select Committee intended that the conditions laid down in this

97

G. R. S. 12
General and Revenue Secretariat.

File No. 9 of 1910 (129

Serial No.

Clause 5 should be more rigorous than those in cl 3. Hence the change of "one-half" to "two-thirds" in regard to the area of ~~land~~ wet land to be held by the Consenting Rights.

98

(5) Section No 12. This is in consequence of the decision that the recommendation of the Select Committee that the Tank rules might be published as an annexure to the Bill should not be accepted and that old clause 18 should be reinstated. Please see para 10 of the Council Resolution.

As a necessary consequence the Schedule will have to be omitted.

~~Please see Council Resolution~~

4. All the proposed motions have received the approval of both the Councillors.

5. May I request you to kindly obtain the Early Orders of the Dewan, as these will have to go to the Agenda.

Yours faithfully
S Thiyagarajah

No. 2 Contn. sheet.

GPB—55,000—27.4.09

111 7025
23.7.10

22/7/10 Dewan approves of all the amendments K.V. Rao 23/7/10

Serial No. 50

The Select Committee's report as well as the amendments therein were considered at the meetings of the legislative Council held on the 15th and 16th August 1910, when it was resolved to take up the Bill and pass it at a subsequent meeting of the Council. This Bill does not belong to the class of enactments appended to the Instrument of Transfer; nor does it repeal, modify or is inconsistent with any such enactment; and as such it does not seem that ~~sanction of~~ the sanction of the Govt. of India need be applied for the Bill being passed as law. But being an important piece of legislation and one in which the Residency was often consulted, a reference may be made to the Residency Resident. It is not known if they need be approached for Govt. of India's sanction being obtained first for orders.

30/8/10

30/8/10

9. A formal request for the sanction of the Govt of India does not appear to be necessary. ~~But~~ ~~having regard to the fact that the Bill~~

NOTE—Contn. sheet

G.R. S. 12]
General and Revenue Secretariat.

File No. 23 of 1908 (12/1 to 7)

Serial No.

But being a measure Embodying a principle of "far-reaching importance" (to use the phrase adopted by the Hnble the Resident) it would be desirable to obtain the approval of the Hnble the Resident before the Bill is promulgated as law. But such an approval has however already been secured. Please see his Excy's Do. dated 4th September 1908.

Vide Residency letter dated 20th July 1908

Vide Confidential Correspondence in the Dewan's office

25th Aug 08 100

The changes effected in the Bill by the Legislative Council are intended to ensure that a Panchayat shall not be called into Existence & after being called into Existence, shall not use its powers except under proper safeguards and limitations. The Bill is therefore open to objection now than when it was first introduced. (Please see Correspondence with the Residency)

In this view, no further Consultation with the Residency is necessary.

If the Contract price is accepted, the draft may be accepted.

Please inform draft as drawn is returned herewith

30/8/08

30/8/08

Draft returned 31/8/08

NOTE—Contin. sheet

GPB—50,000—25-2-07

G. R. S. 12]
General and Revenue Secretariat.

Leg File No. 29 of 1910

Serial No.

Please note what was done in the case of the Poisons Regn & the Treasure Trove Regn.

C. A. Barton under Sec/

Yes

Yes

Yes

4/9/10

With reference to the Poisons Bill, the first of Sindia's Sanction was not asked for, but a Copy was forwarded for the Resident's information as the Residency wanted to take steps for the introduction of a similar measure into the C[illegible] States also as soon as a law was enacted for this State. The Resident was only informed, with reference to the amendment he had proposed in lieu to that if he saw no objection to the bill as finally passed by the Council, it would be passed as law.

2. The whole question was raised and discussed in the Treasure Trove Bill 7th, which is before the Durbar. Though, as directed by the Durbar, the Sanction of the first of Sindia was applied for in regard to this Bill, the reply sent by the Residency does not allude to the first of Sindia's Sanction. It was simply stated there that the Bill might be passed into law. Perhaps the return of the Sanction may be awaited. The best thing

5/9/10

NOTE—Contn. sheet

GPB—50,000—25-2-07

Serial No.

to do ~~is to~~ appears to be to intimate demi-officially to the Hon'ble the Resident that the Bill as now adopted by the Leg: Council will be passed into law. We may Explain in the D.O. the principal Changes introduced into the Bill.

S/ (In one view, Even this Course may be felt to be unnecessary. This Govt. Bill does not Come under Para 19 of the Instrument of Transfer. Even if it should be Considered to fall under the Category of measures involving doubt, delicacy or importance the Consent of the Res^{y} has already been obtained to the principle of the Bill.)

S/ 14/9/10

Sec^{y}) S/ This bill does not seem to be one that requires the sanction of the Govt of India under the Instrument of Transfer.

A D.O. letter as may perhaps be addressed to the Resident as suggested by the Advocate. A draft is submitted for approval.

S/ 15/9/10

S/ 3/10/10

S/ 3/10/10 Secy

S/ 3/10/10

S/ 3/10/10

S/ 3/10/10

File No. 83 of 1910

Serial No.

Let the draft as revised by me be typed (urgent) and sent up to me for final revision.

27/10/10.

Submitted a typed draft.

2nd 28/10/10

63 (1) Draft may be approved.

(2) The closing sentences of the last para (but one) are with reference to the observations contained in Mr Broom's last D.O. of 7th Sept 1908.

1/11/10

163

Sec'y 64

Dewan through 2nd Cr

CS 1st Cr 5/11/10

65 The communication seems to be unnecessary. If required however the draft D.O. letter is all right.

7/11/10

5/11/10

NOTE—Contn. sheet.

GPB—55,000—27-4-09

866

12.11.10 Dewan

G. R. S. 12]
General and Revenue Secretariat:

File No. 29 of 1910

Serial No.

16 No further reference to the Legislature Rendering is necessary. The Bill may be finally passed at the next meeting of the Council. The case of the Treasure Trove Regn is distinguishable as it superseded certain rules in force during the Commission. Amend-t

Bill
Mr Eales
Legislative
SB
19/11/10.

1024

17 The Bill as finally adopted was placed before the Legislative Council at the meeting held on the 23rd instant and was passed by that body. Sanction of H.H. the Maharaja has now to be obtained for the Bill being promulgated as Law. Submitted with the usual Copies of the Bill.

24/11/10 SN-H

25/11/10 68. A printed Copy of the Bill as finally passed by the Legislature Council is put up. The Bill is to become

NOTE—Contn. sheet.

GPB—55,000—27-4-10

G.R.S. 12]
General and Revenue Secretariat.

File No. 25 of 1910 136

Serial No.

Law with effect from 1st January 1911.

25/11/10

8891
25.11.10

105

(13)

Submitted to His Highness.

The Tank Panchayet Bill as finally adopted was passed by the Legislative Council on the 22nd instant. Sanction of His Highness is now required and may be accorded for the Bill being promulgated as law with effect from 1st January 1911.

P. Ananda Rao
24.11.10

Leg 25-10 (B)

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Promulgation as law the Tank Panchayet Bill as finally adopted and passed by the Legislative Council.

28.11.10
1673

107

.431

Order.

7/1/11. Sanctioned
~~KRW~~
4/1/11

71. Secy
Letter the date reffered from Govt into effect — Govt may kindly state whether Notification should be published in the Gazette also
7/1/11
Asstt Secy
7/1/11

7/1/11
Govt

7/1/11 72. Let me see proof — which also may be informally today — after keeping the
7/1/11

G.R.S. 12]
General and Revenue Secretariat.

Legis File No. 15 of 1910 (13)

Serial No.

Sd with a draft ord & Mr Compile for approval
10/25
9/1/11 74 Dearie
Shivagunajee

108

9/1/11

JC 15 2 Mr Compile, Mysore Legislative, Dr J1566 of 7th Jan'y 11.
Directs the publication of the Regulation.

Spare Copies of the Regulation have been received. Copies have been forwarded to Residencies. Copies may also be sent to the Revenue Commissioner (25 copies) and to each of the Deputy Commissioners of Districts (50)
Draft are put up
58
1/2/11

Spare copies have been verified & is found to be correct.

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Letter
No. 885 Agri 19-07-1
Dep 7 29-10 Dep 29-10-1
Serial 1. 8578(c) 1
from the Secretary Board of Rev.

To,

The Revenue Commissioner.

S.I.1

In forwarding herewith a draft Scheme for the constitution of Village Panchayets for the maintenance of tanks and the repair and restoration of minor tanks, has the honor to request that he will be so good as to obtain and submit to Government the opinions and suggestions of Deputy Commissioners about the Scheme, together with his own opinion. The question may be treated as urgent and a reply sent as early as possible.

By Order,

C.S.
1/8

Secretary to Government

Dated Nov. 886 Agri 19-07-1
dated 20-12
S 58 No. 2

To,

The Chief Engineer.

In forwarding herewith a draft Scheme for the constitution of Village Panchayets for the maintenance of tanks and the repair and restoration of minor tanks, has the honor to request that he will be so good as to favour Government with his opinion and suggestions on the Scheme and will also obtain and submit the opinions of Executive and Superintending Engineers.

The question may be treated as urgent and a reply sent as early as possible.

By Order,

Secretary to Government.

dg 7-25-10

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Revised draft
Lr. 29/7/07

NOTIFICATION.

The following scheme for the constitution of village panchayets is published for general information. Any criticisms on the scheme and any suggestions may be sent to the Secretary, General and Revenue Departments, before the end of ~~August~~ September 1907, after which date the question will be taken up for consideration by Government:-

for the maintenance ~~of repairs of minor tanks~~ & repair & restoration of minor tanks.

Draft Scheme for the Constitution of village panchayets for the maintenance of tanks & the repair & restoration of minor tanks.

It has always been recognized that the responsibility for the maintenance of tanks rests upon the ryots who derive benefit from them, and so far back as 1873, a set of rules were framed by the Chief Commissioner of Mysore (Notification No.65 dated the 2nd October 1873) for the maintenance of tanks brought to standard and handed over to the ryots for upkeep. The maintenance of such tanks is being enforced under these rules. In Government Order No.

(To be printed on half margin)

Leg 7 25 of 1913 4

R.5251-61/Agrl.626-03-6, dated the 15th December 1904, these rules were slightly amended.

It has, however, been found as a matter of experience that the strict enforcement of the Rules is attended with difficulties of sorts, and ~~has~~, in some instances, in spite of the measures taken to ~~temper the severity of their provisions~~ make them as easy of working by the ryots as the nature of the case would permit, has been attended with hardship to individual villages. The village officers on the other hand, have been slack in the enforcement of the Rules with the result that many tanks have been allowed to deteriorate and some to a serious extent.

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X Note. This statement is based on the difficulty I experienced in disposing of the complaints of the ryots as regards their tanks, one instance of which I had before me lately.

~~Government think that~~ This unsatisfactory result appears to be mainly due to the fact that this important work has been treated as one in which Government is solely concerned and for which Government agency is alone responsible -- the principal factor in the problem,

Leg 725-20 — (5

namely, the ryot owning lands under the tank having been all along ignored. Nothing has been done to interest the ryot in the tank and to secure his willing and intelligent help and co-operation in the matter of its repair and maintenance. The remedy to the present unsatisfactory state of things would appear to lie in giving the ryots a voice in the measures necessary for the maintenance of their tanks and also giving them powers to execute the necessary works together with control over the funds that may be set apart for the purpose. With this view, Village Panchayets may be constituted, the rules for their working being somewhat on the following lines:-

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1. The existing rules based on long recognized practice laying down the liability of ryots to maintain all tanks brought up to standard and to

restore certain minor tanks will be left undisturbed.

2. The construction and repair of major tanks will be dealt with by the Public Works Department as at present.

3. As regards the annual maintenance (as defined in appendix A of the rules of 1904) such as earth work and turfing for restored tanks both major and minor, and for the restoration, maintenance and repair of minor tanks, a village panchayet will be constituted in each village or group of villages composed of the Patel, Shanbogue and three or more villagers of means and respectability who will be elected by the villagers themselves, and who will hold office for a period of three years.

(a) The electoral body shall include all holders of wet and garden lands below the tanks in the village or villages under the control of the panchayet,

and holders of dry lands in the village or villages paying not less than Rs.10, as land revenue, and ryots paying not less than Rs.5, as mohatarfa, who are liable for the maintenance of the tanks.

(b) Election to the panchayet will be restricted to persons paying Rs.50/- kandayam for wet or garden lands or Rs.20/- for dry lands as land revenue or Rs.10 as mohatarfa. Not less than one-fourth of the elected members on the panchayet shall be elected by the dry land-holders and mohatarfa paying inhabitants and the others by the wet and garden land-holders.

4. The powers and duties of the panchayets shall be as follows:-

(i) They shall have power to apportion the work of repair required for the tank or tanks among the holders of lands under the tank and others according to existing rules subject to a right of appeal to the Amildar.

(ii) They shall fix the wages of labour per diem (maximum and minimum to be laid down by Government) payable by a ryot who fails to do the work allotted to him or who prefers to commute his quota of labour into a money payment.

(iii) They shall have control over a fund to be called the Panchayet Tank Repair Fund, which will for the present consist of the following items:-

(a) The amount collected from ryots who prefer to commute their quota of labour into a money payment.

(b) The sale proceeds of the grazing in the tank bed and the grass on the bund &c.

(c) Produce of trees in the tank and on the bund, if any.

(d) The sale proceeds of the fishing in the tank, if any.

(e) The land-lord's share in any crop that may be raised in the tank bed with the approval of the panchayet.

(f) Any grant which the Government may make to the fund.

(iv) This fund shall be deposited in the Government Savings Bank or any reliable Agricultural Bank or Co-operative Society and shall be utilized in executing the annual maintenance, restoration and repair of the tanks for which the ryots are responsible.

(v) The issue of water from the tank for irrigation from time to time shall be regulated by the panchayet. The season or time for sowing wet crops and the portion out of each holding to be so cultivated by ryots in proportion to the water available should be settled by the panchayet according to the supply of water in the tank.

(vi) The Panchayet shall have power to prevent all ryots from growing sugar-cane where and when they like. Keeping in view the quantity of water available in the tank and instead of

allowing different ryots to plant cane in different places a compact and suitable block may be selected as near to the bund or sluice as possible and parcelled out among those who want to grow the cane on such terms as regards the rent or share to be paid to the owner of the land as may be considered reasonable by the panchayet.

This will help to conserve the supply of water in the tank to minimize the cost of hedging and lessen the trouble of watching and chance of theft.

(vii) The panchayet shall have the power to grant the tank bed for temporary cultivation of quick growing crops on such terms as regards rent as may be deemed fit by it. The grant of such permission and the terms will be immediately reported to the Amildar of the Taluk.

(viii) All moneys due from the defaulting villagers and others to the

Fund under the above rules shall be leviable as arrears of land revenue by the Amildar on behalf of the panchayet.

(ix) In the event of any panchayet failing to repair the tank or maintain it in proper order, it shall be competent for the Deputy Commissioner to suspend the panchayet, take charge of its funds and enforce the tank maintenance Rules.

(x) The Government may from time to time add to, or amend these rules as it deems proper and each panchayet may with the sanction of Government, make subsidiary rules, not inconsistent with the rules framed by the Government for its working.

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5. As regards tanks which are out of repair, a list shall be prepared in the Revenue Department in consultation with the Public Works Department where necessary, with sufficient detail showing the work required to be done --both earth work and masonry-- the cost there

of

and the existing and prospective revenue. It should then be decided by the Deputy Commissioner in consultation with the Executive Engineer whether the restoration of any tank is expedient, having regard to the cost as compared with its revenue and other advantages. If the decision should be in favour of its restoration it should be communicated to the Village Panchayet, who after consulting the whole village community, will be required to report whether they consent to the restoration or not and to contribute their share of the cost. The restoration or repair shall then be carried out by the tank agency under the Amildar with the aid and co-operation of the panchayet who shall have a substantial voice in giving out contracts.

6. If the amount of contribution leviable from the ryots in labour and money is more than they can bear, the

Government may give them a grant-in-aid and also advance a portion of the amount required as a Takavi loan on the joint liability of the villagers according to their share of contribution towards the restoration.

7. If it be decided by the Deputy Commissioner to abandon a tank and throw the land under it out of wet cultivation a reduction shall be made in the survey assessment of the portion due to irrigation from the tank. If on the other hand the villagers are disinclined to take up the work they need not be compelled and the usual rules now obtaining as regards remission of half wet assessment for breached tanks may be followed till the Government or the village community are in a position to restore the tank or till it is decided to abandon it altogether. If the decision of the Committee or the villagers is not unanimous, the decision

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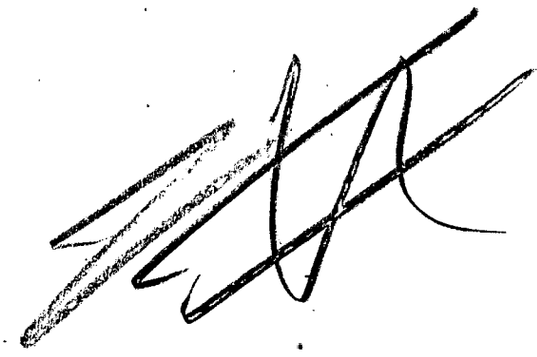
Leg 7-29-20 (4)

of two-thirds of the persons interest-

ed shall be allowed to prevail.



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DRAFT SCHEME FOR THE CONSTITUTION OF VILLAGE PANCHAYETS FOR THE MAINTENANCE OF TANKS AND THE REPAIR AND RESTORATION OF MINOR TANKS.

It has always been recognized that the responsibility for the maintenance of tanks rests upon the raiyats who derive benefit from them, and so far back as 1873, a set of rules were framed by the Chief Commissioner of Mysore (Notification No. 65, dated the 2nd October 1873) for the maintenance of tanks brought to standard and handed over to the raiyats for upkeep. The maintenance of such tanks is being enforced under these rules. In Government Order No. R. 5251-61—Agri. 626-03-6, dated the 15th December 1904, these rules were slightly amended.

It has, however, been found as a matter of experience that the strict enforcement of the rules is attended with difficulties of sorts, and in some instances, in spite of the measures taken to make them as easy of working by the raiyats as the nature of the case would permit, has been attended with hardship to individual villages. The village officers, on the other hand, have been slack in the enforcement of the Rules, with the result that many tanks have been allowed to deteriorate and some to a serious extent.

This unsatisfactory result appears to be mainly due to the fact that this important work has been treated as one in which Government is solely concerned and for which Government agency is alone responsible, the principal factor in the problem, namely, the raiyat owning lands under the tank, having been all along ignored. Nothing has been done to interest the raiyat in the tank and to secure his willing and intelligent help and co-operation in the matter of its repair and maintenance. The remedy to the present unsatisfactory state of things would appear to lie in giving the raiyats a voice in the measures necessary for the maintenance of their tanks and also giving them powers to execute the necessary works together with control over the funds that may be set apart for the purpose. With this view, village panchayets may be constituted, the rules for their working being somewhat on the following lines :—

1. The existing rules based on long recognized practice laying down the liability

of raiyats to maintain all tanks brought up to standard and to restore certain minor tanks, will be left undisturbed.

2. The construction and repair of major tanks will be dealt with by the Public Works Department, as at presest.

3. As regards the annual maintenance (as defined in Appendix A of the rules of 1904) such as earth-work and turfing for restored tanks, both major and minor, and for the restoration, maintenance and repair of minor tanks, a village panchayet will be constituted in each village or group of villages composed of the patel, shanbhog and three or more villagers of means and respectability who will be elected by the villagers themselves, and who will hold office for a period of three years.

(*a*) The electoral body shall include all holders of wet and garden lands below the tanks in the village or villages under the control of the panchayet, and holders of dry lands in the village or villages paying not less than Rs. 10 as land revenue, and raiyats paying not less than Rs. 5 as mohatarfa, who are liable for the maintenance of the tanks.

(*b*) Election to the panchayet will be restricted to persons paying Rs. 50 kandayam for wet or garden lands, or Rs. 20 for dry lands as land revenue, or Rs. 10 as mohatarfa. Not less than one-fourth of the elected members on the panchayet shall be elected by the dry land-holders and mohatarfa paying inhabitants and the others by the wet and garden land-holders.

4. The powers and duties of the panchayets shall be as follows:—

(i) They shall have power to apportion the work of repair required for the tank or tanks among the holders of lands under the tank and others according to existing rules subject to a right of appeal to the Amildar.

(ii) They shall fix the wages of labour per diem (maximum and minimum to be laid down by Government) payable by a raiyat who fails to do the work allotted to him or who prefers to commute his quota of labour into a money payment.

dg 7-9-20

(iii) They shall have control over a fund to be called the Panchayet Tank Repair Fund, which will, for the present, consist of the following items:—

(*a*) The amount collected from raiyats who prefer to commute their quota of labour into a money payment.

(*b*) The sale proceeds of the grazing in the tank bed and the grass on the bund, etc.

(*c*) Produce of trees in the tank and on the bund, if any.

(*d*) The sale proceeds of the fishing in the tank, if any.

(*e*) The landlord's share in any crop that may be raised in the tank bed with the approval of the panchayet.

(*f*) Any grant which the Government may make to the fund.

(iv) This fund shall be deposited in the Government Savings Bank or any reliable Agricultural Bank or Co-operative Society and shall be utilized in executing the annual maintenance, restoration and repair of the tanks for which the raiyats are responsible.

(v) The issue of water from the tank for irrigation from time to time shall be regulated by the panchayet. The season or time for sowing wet crops and the portion out of each holding to be so cultivated by raiyats in proportion to the water available should be settled by the panchayet according to the supply of water in the tank.

(vi) The panchayet shall have power to prevent all raiyats from growing sugar-cane where and when they like. Keeping in view the quantity of water available in the tank and instead of allowing different raiyats to plant cane in different places a compact and suitable block may be selected as near to the bund or sluice as possible and parcelled out among those who want to grow the cane on such terms as regards the rent or share to be paid to the owner of the land as may be considered reasonable by the panchayet.

This will help to conserve the supply of water in the tank, to minimize the cost of hedging and lessen the trouble of watching and chances of theft.

(vii) The panchayet shall have power to grant the tank bed for temporary cultivation of quick-growing crops on such terms as regards rent as may be deemed fit by it. The grant of such permission and the terms will be immediately reported to the Amildar of the taluk.

(viii) All moneys due from the defaulting villagers and others to the fund under the above rules shall be leviable as arrears of land revenue by the Amildar on behalf of the panchayet.

(ix) In the event of any panchayet failing to repair the tank or maintain it in proper order, it shall be competent for the Deputy Commissioner to suspend the panchyaet, take charge of its funds and enforce the Tank Maintenance Rules.

(x) The Government may, from time to time, add to or amend these rules as it deems proper, and each panchayet may, with the sanction of Government, make subsidiary rules not inconsistent with the rules framed by the Government for its working.

5. As regards tanks which are out of repair, a list shall be prepared in the Revenue Department in consultation with the Public Works Department, where necessary, with sufficient detail showing the work required to be done—both earthwork and masonry—the cost thereof and the existing prospective revenue. It should then be decided by the Deputy Commissioner in consultation with the Executive Engineer whether the restoration of any tank is expedient, having regard to the cost as compared with its revenue and other advantages. If the decision should be in favor of its restoration, it should be communicated to the village panchayet, who after consulting the whole village community, will be required to report whether they consent to the restoration or not and to contribute their share of the cost. The restoration or repair shall then be carried out by the tank agency under the Amildar with the aid and co-operation of the panchayet, who shall have a substantial voice in giving out contracts.

6. If the amount of contribution leviable from the raiyats in labor and money is more than they can bear, the Government may give them a grant-in-aid and also advance a portion of the amount required as a Takavi loan on the joint liability of the villagers according to their share of contribution towards the restoration.

7. If it be decided by the Deputy Commissioner to abandon a tank and throw the land under it out of wet cultivation, a reduction shall be made in the survey assessment of the portion due to irrigation from the tank. *If, on the other hand, the villagers are disinclined* to take up the work, they need not be compelled and the usual rules now obtaining as regards remission of half wet assessment for breached tanks may be followed till the Government or the village community are in a position to restore the tank or till it is decided to abandon it altogether. If the decision of the committee or the villagers is not unanimous, the decision of two-thirds of the persons interested shall be allowed to prevail.

No. C.88 Office of the Revenue Commissioner in Mysore,
Ecne. 8 Camp Mysore, 4th October 1907.

From,

A. Rangaswami Iyengar Esq.,B.A.,B.L.,
Revenue Commissioner in Mysore.

To,

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments.

Sir,

With reference to your letter No.R.865 dated 5th August 1907,calling for opinions of Deputy Commissioners on the Draft Scheme for the constitution of Village Panchayets for the maintenance of tanks, I have the honor to forward herewith the letters received from the Deputy Commissioners of Districts recording their views thereon.

2. The Deputy Commissioners of Bangalore,Kolar,Tumkur,Mysore and Shimoga consider that the scheme would supply a much felt want. The Deputy Commissioner of Bangalore states that in his opinion the scheme is one that is likely to produce the desired effect considering that the village community will thereby have a"large scope in the management of the affairs of tanks in the up-keep of which they are principally interested. He thinks, however, that a few powerful men in the village who would be given such large powers under the scheme are likely to abuse them and recommends that the working of the rules should be carefully watched in the commencement.

3. The Deputy Commissioner of Kolar says that with such a system of village panchayets initiated and fostered tenderly at its earlier stages, in selected localities having enough of intelligent and respectable villagers commanding the respect of and regarded as leaders of the more ignorant classes and worked harmoniously with tact and sympathy by the local officers concerned, much of the difficulties at present experienced would vanish.

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The Deputy Commissioner of Tumkur remarks that he has carefully read through the draft and finds it well considered.

5. The Deputy Commissioner of Mysore concurs in thinking that something must be done to interest the ryot in the tank and its maintenance and the proposed system will go a great way towards creating that interest. He adds that as the unsatisfactory way in which the annual tank maintenance is now carried on is chiefly due to a want of co-operation among ryots it is necessary to bring home to each ryot his obligation in respect of this work and make him realise that joint effort in this direction will be productive of considerable advantage to himself and viewed from this stand point, the panchayet system ought to prove an object lesson to him.

6. The Deputy Commissioner of Hassan is rather sceptical about the benefits to be derived by the formation of the proposed panchayets indiscriminately in all the villages of the State as the essential factors for succesful working of the scheme, viz (1) a spirit of unity and co-operation among the villagers, (2) a certain amount of education and (3) realisation of a sense of the obligation to work for the common welfare, are wanting among the majority of the ryots. He states that as most of the villages are split up into factions one of the parties will preponderate in the panchayet with the result that complaints or appeals from the disaffected parties would take up the whole time of an Amildar. As regards educational qualifications he thinks that shanbhogue will be the only literate man in 50 per cent of the villages and will be the ruling factor, the panchayet being synonimous with him and forming a convenient tool in his hands to be manipulated by him to his advantage. He would therefore propose that if the scheme is to be introduced at all it should be confined in the first instance only to half a dozen large and important villages in each Taluk containing a fair population of intelligent and educated men who take a keen and beneficial view in the affairs of the village, and that with the experience gained of these tentative panchayets the scheme may be gradually and cautiously introduced to

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to the less important villages.

7. The Deputy Commissioner of Shimoga states that the scheme will create a feeling of self interest in the minds of the ryots and remove the prevailing impression that the duty of tank maintenance and improvement of minor tanks devolves upon the Government agency alone.

8. The Deputy Commissioners of Kadur and Chitaldrug Districts have apparently no objection to the introduction of the system. The latter is diffident about the villagers taking kindly to this procedure, seeing that they have all along been neglecting this work and are being compelled to do the same under the rules now in force. He would therefore suggest that it may be tried experimentally for a period of one or two years in the case of tanks having a revenue of Rs.200 and above. He adds however that a scheme somewhat on these lines was introduced in the case of Nagasamudra and Ammakundi major tanks in the Molakalmuru taluk with some success. It will be seen from the above that while unanimously admitting the soundness of the proposed scheme the Deputy Commissioners feel doubts as to its success. There is no doubt ~~there is~~ a good deal of force in their observations. It must be admitted that the ryot population and for that matter even people of greater education and intelligence are still backward in the management of communal affairs, and that the more powerful members are apt to take undue advantage of their position and abuse their powers. But as no change is proposed in the principles regulating the obligations of the ryot as well as of the Government in the matter and as the scheme only contemplates the creation of an agency which could enforce the said rules automatically without any undue hardship, the scheme is certainly worthy of adoption in spite of the backward state of the people and the difficulties in bringing the rules into operation. But such difficulties have to be encountered at the outset in all measures of local self Government and we should not be deterred in initiating them by the troubles in the way or the fear of an inevitable failure. ~~Moreover~~ The officers of Government should be made to take an intelligent and sympathetic interest

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in giving effect to the scheme so as to educate the people and make them understand their self interest and the immense possibilities of improving the welfare offered by such co-operation. Moreover, as the scheme is not to be applied generally to the whole Province but is intended to be introduced in suitable localities where conditions are favourable, and that only with the voluntary consent and initiative of the majority of the villagers, I am not afraid of its ultimate success. This being a new departure and as a proposal emanating from Government without an initiative from the people likely to be viewed with some distrust, we cannot make it too clear to the public that the proposed measure is not a compulsory one in its operation but on the other hand contemplates only vesting in the community certain powers for combination and united management and offers certain special privileges to those who are disposed to take advantage of it. It is desirable therefore to define clearly that the grant from Government will not be less but more than the present rules will allow, that the rules will not be enforced in villages without the consent of villagers and that the special privileges which will be enjoyed are substantial benefits likely to increase in value in course of time.

Para 3(a) &(b) of the Draft Scheme.

9. Having briefly referred to the general aspect of the scheme I proceed to consider the suggestions of Deputy Commissioners on some of the clauses of the draft sbheme. Almost all the Deputy Commissioners consider that the proposed limit of the property qualification of the electors and of the people eligible for election is somewhat high for a vast majority of the smaller villages where very few of such land holders and mohatarfa tax payers can be expected, and propose that for electors it may be reduced to Rs.2 in the case of mohatarfa taxpayers and for those eligible for election, the limit may be fixed at Rs.30/- in the case of persons paying kandayam for wet and garden lands,

"15/- for those who pay kandayam on dry lands and

" 5/- for those who pay mohatarfa tax.

The proposal appears reasonable and I would recommend the necessary

cessary modification of the clauses (a) & (b) accordingly.

The Deputy Commissioner of Kadur proposes some addition to paras 3 & 4 in order that the work connected with feeders and distributary channels including weed and silt clearing therein may also be included. But these seem unnecessary as they are embodied in rule 5 of App.A of the Rules of 1904 and the work therein defined is what is explicitly provided for in para 3.

Para 4 (iii)(b)

10. The Deputy Commissioner of Kolar considers that this clause should be qualified so as not to clash with the free rights of such of the villagers as might contribute labour or are otherwise entitled to the grazing and grass. This appears necessary and the following clause may be added:-

> " When the ryots have no right thereto or when they have forfeited it by their default in doing the customary work to the tank."

Para 4 (iii)(c) & Clause (viii)

11. He also thinks that the appropriation of the produce of trees in the tank and on the bund as provided in para 4(iii)(c) and recovery of moneys due from the defaulting villagers as arrears of land revenue provided in clause(viii) would require legislation. The Deputy Commissioner of Tumkur suggests that the words 'on behalf of the panchayet' in clause viii may be omitted. This,perhaps,may remove the difficulty which the Kolar Deputy Commissioner has felt.

Para 4(iv)

12. The Deputy Commissioner of Kadur suggests the addition of the following clause to para 4(iv) after the word 'responsible'

> " sending a statement of receipts and expenditure every month to the Deputy Commissioner who has control over the panchayets"

The Deputy Commissioner of Chitaldrug proposes that the forms for the accounts of receipts and expenditure should be prescribed and that there should be a record of the proceedings of every meeting of the panchayets duly attested by the President. I think the former is unnecessary and that the latter proposal is sound and very necessary.

Para 4(v) & (vi)

13. As regards the discretionary powers proposed to be granted to the panchayets for regulating the water-supply for irrigation, for apportioning land for cultivation having in view the supply of water in the tank and for selecting blocks for sugar-cane

cane cultivation, the Deputy Commissioners of Bangalore and Hassan apprehend that they will be abused. The former therefore proposes that for the present the first sentence of clause v may alone be retained, the remaining portion of this clause as well as the entire clause vi being omitted. The Deputy Commissioner of Kolar states that it is desirable not to burden the panchayets with any functions under 4(v) & (vi) in the early stages. The Deputy Commissioner of Tumkur suggests the addition of a provision to clause v making the panchayets' decision liable to communication to Amildar for approval.

14. It may be observed here that these are the two most important clauses by which some substantial good is expected to be done to the ryots by the panchayets who, it is hoped, will be in a better position to ~~timely~~ warn in time the unwary cultivators of the insufficient supply of water to their lands and thus prevent ~~their~~ loss to them. It is not likely that the majority of the villagers will object to this. To avoid any abuse of such powers their decisions may be made subject to the approval of the Amildar as suggested by the Deputy Commissioner of Tumkur.

15. All the Deputy Commissioners of Districts excepting Mysore and Kolar think that the power to grant tank-bed for temporary cultivation of quick-growing crops should be restricted. Some of the Deputy Commissioners propose that such grants should be only occasional such as in times of scarcity, as otherwise not only will the tank water become contaminated but the bed will also get silted up, and should be subject to the approval of Amildar, while others consider that the sanction of the Deputy Commissioner is necessary. The Deputy Commissioner of Hassan states that the panchayets should only be made to apportion the bed ~~for cultivation~~ when the authorities have decided to give it for cultivation. The Deputy Commissioner of Shimoga adds that the assessment of such tank-beds granted for cultivation should be equal to the highest dry rate of the village. I think that in this respect also the majority in a village is likely to take a sensible view and that the grant of such powers is necessary to induce the people to take practical interest in

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joint action but the grants may be made subject to the approval of the Amildar. I may also state that it is now generally admitted that a tank is not likely to be silted up and that with the exception of some special crops, the water is also not likely to be contaminated by organic matter.

16. The Deputy Commissioners of Bangalore and Kolar state that the rules are somewhat inadequate as no provision is made for the repairs of tanks which are out of repairs but whose restoration is necessary, since under clause 5 it is entirely subject to the consent of the ryots. The Deputy Commissioner of Kolar suggests that a clause similar to the standing orders regarding the repairs of tanks providing for the restoration or repairs of such tanks as are serial or near Railway line, independently of the ryots' obligation may be inserted. This may be done.

17. The Deputy Commissioner of Chitaldrug states that such tanks as require Government grant-in-aid for their restoration or repair should be clearly stated in para 6 and suggests the same cases as are referred to in the previous para under this head, but this is not necessary if the proviso to para 5 as suggested above is added.

18. Once the general principles are approved, the details may be considered with care and any technical objections and ambiguities may be carefully avoided when the scheme is finally formulated and brought into operation. I would therefore heartily recommend the proposal and feel confident that the ryot population will appreciate and welcome it when they get a clear idea of its provisions.

19. In conclusion I have only to repeat that there is no conflict of opinion as regards the general principles of the scheme. The officers that have been consulted have more or less serious misgivings only as to its being successfully carried out, owing to the ignorance and apathy of the general run of the people and to the likelihood of the more influential among them misusing their powers. But this should only induce us to observe

~~with~~ great caution and care in execution and not to aba
in dispair a measure which possesses possibilities of i
benefit to the Country.

I have the honor to

Sir,

Your most obedient se

Revenue Commissi

133

OFFICE OF THE REVENUE COMMISSIONER
No 3136
2/1907-08
BANGALORE.
IN MYSORE

Enclosing
as above

From The Deputy Commr
Kadur District

To The Rev. Commissioner
in Mysore

Dated 29th Augt 1907

Despatched 30th

Received

General No. 108.

No.

Enclosure No. —

Submitting opinion
on the draft scheme for
the constitution of Village
Panchayets for the
maintenance of Tanks
and repair & restoration
of Minor Tanks.

Encl. 1 to 79 already
in the papers with
the Head Assistant
to Commissioner

Submd
2.9.07

"Correct"

may be added.

I have the honor to be

Sir,

Your most obedient Servant

Deputy Commissioner.

Kadur District.

OFFICE OF THE REVENUE COMMISSIONER
6/9/07
BANGALORE
* IN MYSORE *

From K. Doraswami Iyer Esqr
Deputy Commissioner
Tumkur District

To A. Rangaswami Iyengar Esqr
B.A., B.L.
Revenue Commissioner
in Mysore

Dated 4th
Despatched 5th } September 1907
Received

General No. 792.
No.

Enclosure No. Nil

Referring to the Revenue Commissioner's docket Nos 2150-7/4 dated the 9/12th August 1907 calling for opinion on the draft Scheme of Village Panchayets for the maintenance of tanks, undersigned has the honor to report that he has carefully read through the draft and finds it well considered.

2. To Para 4 (i) might be added a provision making

making the panchayet's decision liable to communication to the Amildar for approval. At the end of clause (viii) of the same para might be added the words "for his approval". And in clause (viii) the words "on behalf of the panchayet" might be omitted. The reasons for these few suggestions are apparent.

[illegible]

For Deputy Commissioner
Tumkur District

2/2

From The Deputy Commissioner
Chitaldrug District.

To The Revenue Commissioner
in Mysore, Bangalore

Dated
Despatched } 2nd September 1907
Received

General No. 442
No.

Enclosure No. One

Submitting opinion on the draft
scheme for the construction of tanks
Cauchegats for the maintenance
of tanks, and the repair and
restoration of minor tanks.

Subd
Ref
8/9/07.
Version

S.S.

Deputy Commissioner's Office,
Chitaldrug District
Dated Chitaldrug 2nd September 1907

From

Mr Chengiah Chetty, Esquire, B.A.
Deputy Commissioner,
Chitaldrug District

To

A Rangaswami Iyengar, Esquire, B.A.B.L.
Revenue Commissioner in Mysore,
Bangalore

Sir,

With reference to your docket No 2150-7/4 dated 12th instant, forwarding for an expression of opinion a draft scheme for the constitution of village Panchayets for the maintenance of tanks and the repair and restoration of minor tanks, I have the honor to state as follows:-

2 In para 3 of the draft scheme, it is proposed to entrust the restoration and repair of minor tanks to the village Panchayets. This evidently includes such works as repairs to sluices, revetment and bunds, which require professional knowledge and for which funds have to be provided by Government under the existing rules if those interested in the restoration of the tank agree to do the

earthwork or pay the required fees for doing the earthwork. Such works will have to be carried out by the Tank Agency under the Amildar, the Panchayat supplying their quota of the funds. They will also have substantial voice in giving out the contracts.

3. With a view to give wider scope for selection, I am for reducing the Kandayam for wet or garden lands to Rs 3-0-0 in para 3(b) or Rs 1-5-0 for dry lands as land revenue, or Rs 1-0-0 as Mohatarfa.

4. Section 4(viii) gives the Panchayat the power to grant the tank bed for temporary cultivation of quick-growing crops. This power is at present vested in the Deputy Commissioner to be exercised by him only in season of scarcity. It is apprehended that the Panchayat may make a general application of the case and give all tank-beds for cultivation as soon as the supply of water therein diminishes. It is necessary to restrict their power in this direction and specify instances wherein this power should be exercised by them.

5. Cases requiring Government grant-in-aid for the restoration or repair of tanks of the kind referred to in para 5, require to be clearly

stated in para 6; as otherwise, the most persistent are likely to get unfair advantage. Tanks, the bunds of which have been lowered for the protection of the Railway line below them, or the bunds of which are so long that the cost of maintenance, would be out of proportion to the irrigable areas, are some of the instances, I would suggest under this head.

6. It is necessary to provide forms, in which accounts of receipts and Expenditure should be maintained and to rule that the Panchayat should have a record signed by the President of all its meetings and decisions. The ~~re~~ maintenance of river and tank channels may also be brought under the operation of these rules.

8. I am however diffident whether the villagers will take kindly to this procedure, ~~for~~ have all along been neglecting this work and are being compelled to do the same under the rules now in force.

9 I therefore beg to submit that the scheme, instead of being made applicable for all the villages or groups of villages containing tanks, it may be tried experimentally for a

period of one or two years in the case of tanks having a revenue of Rs 200/- and above and in the event of its proving beneficial both to the village community and the Govern-ment, the scheme may then be made applicable for all tanks.

10. With the above modifications, I beg to recommend that the draft scheme may be brought into force.

11. I may here mention that a scheme somewhat on these lines was introduced in the case of Nagasamudra and Amakundi major tanks of Molakalmuru Taluk with some success and work to the extent of 500 and 800 cubic yards of Earthwork was respectively carried out from the funds collected by the Panchayets.

12. A copy of the rules framed by the Amakundi villagers is enclosed for information.

I have the honor to be,
Sir,
Your most obedient Servant,

Deputy Commissioner
Chitaldrug District

OFFICE OF THE REVENUE COMMISSIONER
No 3390-
9/9/1907-0
BANGALORE.
IN MYSORE

From The Revenue Commr &c
Mysore

To

The Revenue Commr &c
Mysore

Dated 6th
Despatched } September
Received 1907

General No. 187
No.

Enclosure No.

Submitting
opinion in re
the draft Scheme
for the Constitution
of Village Panchayats
for the maintenance
of tanks and repairs
&c

Subj "Closed"

9/9/07

The Commr
Mysore

17/9/07

No

Deputy Commissioner's Office
Negombo Division
Dated Negombo 6th September 1907

No

Holmes Maasdorp Esq B.A. B.L.,
Assistant Commissioner at Negombo.

Sir,

With reference to your docket No 2/50-7 dated 9th August 1907 forwarding a draft scheme for the Constitution of Village Panchayats for the maintenance of tanks and the repair and restoration of minor Tanks and calling for my opinion thereon, I have the honour to state that I agree with the Government in thinking that something must be done to interest the ryot in the tank and its maintenance and the village Panchayat system now proposed to be introduced will go a great way towards creating that interest.

What is wanting is our ryot population is co-operation and this account very much for the unsatisfac-
tory way in which the annual tank maintenance work is carried on by them. It has also

machinery to bring home to each voter his obligation in regard to the work. He must also be made to realize that [illegible] efforts in this direction will be productive of considerable advantage to himself. Viewed from this stand point, the Village Panchayath System ought to prove an object lesson to him. /

The property qualification fixed in para 3 (a) and (b) of the draft scheme is rather high and requires a slight modification. In the case of minor Tanks and of smaller major Tanks it is very seldom that an individual owns lands bearing a kandagam of Rs 50/-. People paying Mohatarfa of Rs 5/- and 10/- in villages are also very rare. Rs 2/- may be fixed as the minimum Mohatarfa for electors and Rs 5/- as the minimum for the persons to be elected. +

The formation of a tank repair fund is also a good suggestion and I fully approve of it. It will enlist the sympathy and co-operation of the voters

of this nice fat Bird that he intends
collected cannot be used for the repair
and maintenance of that village Tank
alone & not for any other purpose -

I have the honour to be

Sir

Your most obedient servant

W. Buchanan

for my Commissioner

[illegible]

(5)

Deputy Commissioner's office
Shimoga District
Dated 9th September 1907

Letter No. 185

(43)

29-7-07

From,

K. Narain Rao Esqre.
Deputy Commissioner
Shimoga District

To,

K. Rangaswamy Iyengar Esqre B.A. B.L.
Revenue Commissioner in Mysore
Bangalore.

Sir,

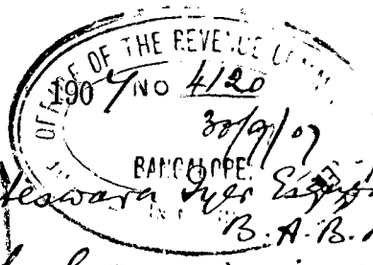
With reference to your docket No. 2150-7/12 dated the 9th August 1907 inviting my opinion about the draft scheme for the constitution of village Panchayats for the maintenance of tanks and the repair and restoration of minor tanks, I have the honor to state that the proposed measure is a very desirable one as it will create a feeling of self interest in the minds of the ryots and remove the prevailing impression that the duty of tank maintenance and improvement of minor tanks devolves upon the Government agency alone.

In rule 4 (vii) it is contemplated to empower the panchayat to grant beds of as

tanks for temporary cultivation of quick-growing crops on such terms as regards rent as may be deemed fit by it. It seems to me desirable that the grant of beds of tanks for temporary cultivation of such crops should be restricted to years of scanty rainfall and that the assessment to be levied thereon should be equal to the highest dry rate of the village.

I have the honor to be,
Sir
Your most obedient Servant

Narayan Rao
Deputy Commissioner
Shimoga District



From
C. Srikanteswara Iyer Esquire
B.A.B.L
Deputy Commissioner
Kolar District

To
A. Rungaswami Iyengar Esquire
B.A.B.L
Revenue Commissioner
in Mysore

Dated
Despatched 27. 9. 1907.
Received

General No. 1802
No. 124.
Enclosure No.

Submitting opinion on the Draft Scheme for the Constitution of village Panchayets for the Maintenance of tanks etc.

Sab
30.9.07
S.S.

Office of The Deputy Commissioner
Kolar District

Dated Kolar the 27th Sept 1907

From

C. Likambaswara Iyer Esquire B.A.B.L
Deputy Commissioner
Kolar District

To

T. Rangaswami Iyengar Esquire B.A.B.L
Revenue Commissioner
in Mysore

Sir,

With reference to your docket No: 2150-7 dated the 9th August 1907 calling for my opinion on the draft scheme for the Constitution of Village Panchayats for the maintenance of Tanks, I have the honor to state as follows.

2. The Rules under consideration would suffer a much felt want. With over a system of village Panchayats established and fostered Tanks, at its earlier stages, in selected taluks having enough of intelligent

intelligent and respectable villagers commanding the respect of and regarded as leaders of the more ignorant classes, and worked harmoniously with tact and sympathy by the local officers concerned, much of the difficulties at present experienced would vanish.

3. The minimum property qualifications prescribed in the ⊗ Rules would seem to be somewhat high for the last majority of smaller villages where very few of such land-holders or mohatarfa-payers can be expected.

⊗ Para 3 of the Rules, clauses (a) and (b).

4. ⁂ Clause (ii). In as much as the defaulter's quota of labour or money payment would vary with the extent of Earth work etc that may fall to his share, it is more the estimated value of such work that would have to be levied than any rate that could be regulated by the Punchayet.

⁂ Para 4 of the Rules.

Clause (iii) i. Unless further qualified contemplated 'sale' might clash with the free rights of such of the villagers as might contribute labour, or are otherwise entitled to the grazing and grass.

Clause (iii) e and clause (viii) would seem to need legislation.

5. The draft Rules further

seem

Jetties to be provided wherever to meet the cases of minor tanks in which, but by out of repairs, since under the act of, the Ryots may repair the same or not as they choose a clause similar to the Standing Orders regarding the repairs of tanks affecting the safety of canal tanks and those above the Railways, may already be inserted, so as not to clash with the same.

6. In conclusion, I would add that the success of the scheme would have to be looked forward in its proper development. The Panchayets have to be trained to exercise some of the powers and bear some of the responsibilities as can be safely and satisfactorily exercised by them, with a view to secure for co-operation of the villagers likely to be immediately affected by their orders, and so as to which may perhaps be desirable not to burden them with many functions, under clauses i + ii of Para 4, in the early stages.

I have the honour to be

Sir

Your most obedient servant

M Venkoba Rao

OFFICE OF THE REVENUE COMMISSIONER
1907-08 No 3902
23/9/07
BANGALORE.

From
The Deputy Commissioner
Bangalore District

To
The Revenue Commissioner
in Mysore

Dated 23rd September 1907

Despatched

Received

General No.

RC No. 169

Enclosure No. 3

Revenue Commissioners
No. 2150 dated 9th
August 1907.

Furnishing opinion
on the draft scheme con-
stituting village Pan-
chayats for the main-
tenance of tanks & forma
certain rebates from the
Assistant Commissioners
discharge of Sub Divisions
Bunnishing their views
on the subject.

B.V.K.
Send to Camp.
at once
23-9-07

In Rule 3 (b) persons paying a kandayam of Rs.50/- for wet lands are made eligible for election to the Panchayet. This I think is rather high for the holders of wet and garden lands. For the persons paying wet and garden land kandayams are generally in the minority and those that pay so high a kandayam as Rs.50/- are still less. In the absence of these, dry land holders paying a kandayam of Rs.20/-, get into the Panchayet excluding thereby persons who are interested in the matters viz., wet and garden land holders. I would therefore suggest the limit of Rs.30/- only under wet or garden kandayam, whereby a sufficient number of them will be on the Panchayet.

(ii) In Rule 4 (i) as suggested by the Bangalore Sub Division Assistant Commissioner the word ' repair ' may be modified so as to include other works to tanks required to be attanded to by the Panchayet.

(iii) I have strong doubts as to the smooth working of Rule 4 Clauses (v) & (vi) thereby the Panchayet is empowered with very large discretionary powers in the matter of apportion-ing land for cultivation having in view the supply of water in the tank and in the matter of selecting blocks for sugar-cane --- cultivation. It may, no doubt, result in some advantage, but I am afraid to think that the evil which it is very likely to produce out-weighs the supposed advantage. It is not a mere surmise to say that the Potels and Shanbhogues are the powerful men in the village and in combination with a few influencial persons in the village who are generally the members of the Panchayet, they are more likely to harass the villagers and injure the interests of the weaker section of the village community than to consider and see to the carrying out of the object of the rule which is certain-ly intended to benefit the villagers in a body. I would for the present have only the first portion of clause (v) viz., " The issue of water .....shall be regulated by the Panchayet", and have clause vI dealing with sugar-cane cultivation altogether done away

Letter No 57
8 Sept 1907

Rly Jr 18/10

From D. Devaraj Urs Esquire
Sub Division Officer
Closepet Sub Div

To D. Devaraj Urs Esquire
Deputy Commissioner
Bangalore Distt.

Dated 18th September 1907.

Despatched

Received

General No. 57.

No.

Enclosure No.

Dy Commissioner's R.
No. 681 dated 16th inst.
ultimo forwarding
for opinion the draft
scheme for the Constitution of village Panchayets
for the maintenance
of tanks &c in

In reply to the above
has the honor to state
that the undersigned thinks
it desirable to give a
trial to the village

9.9.07
Acc
Put up with
other papers
Submitted to D.C.
today and
[illegible]

Rotte
9/9

Panchayat scheme as such village.
Panchayat will then fully realise
their responsibilities and exert their best
for its proper maintenance of the
minor tanks.

Village ...
Sub Division ...
Chief ...

07.08
5-9-07

1907-08 7 R. 625

Ellis No 2278
Rec'd Sept 4 '07

From F. Thorburn Esquire,
Assistant Commissioner.

To D. Duraiswamy Iyer Esquire,
Deputy Commissioner,
Bangalore.

Dated 2nd September 07
Despatched
Received
General No. No. 2279

Enclosure No.

Sir, In acknowledging your memo no R 688 dated 29th ultimo inviting my opinion on the draft scheme for the construction of Village Panchayets, I have the honor to offer the following remarks.—

2. The proposed measure appears to me to supply a long felt want and to frame the machinery for the

3.9.07
Acc[illegible]
Put up with replies from other Asst Comms to scheme (remarks should be issued either)

Retd 5/9

restoration to its pristine entirely the village autonomy which has survived so many political vicissitudes for long periods. In fact the old Baroda scheme was modelled on these considerations. It is in my opinion sound and practical wisdom to leave to the village authorities the management of certain other local and special affairs also, only reserving for the Government a general efficient control over the same.

I am also inclined to believe that the proposed measure will, in the end, tend to bring up to something like good condition the countless small tanks and wells which have for long period fallen to disrepair from a variety of causes and which nevertheless form

form a valuable asset of the state
Dec 7-12-22
By insisting on the village autonomy
doing its duty by these tanks, I
believe their ultimate restoration
will be ensured.

At the same time, it is
necessary to abstain from
throwing on the ryots too great
a burden which the altered political
and economic condition of the country
require the Government to share
with him.

I would suggest as an
improvement in the draft that
appeals from the panchayat lie in
the first instance to the Amildar
and then to the deputy Commissioner
in all matters. All chance of mischief
from local bias and partizanship

will thus be minimised.

It seems to me also that the panchayat should have the power to inflict small fines on re-
-calcitrant ryots & also to recover the same, together with their other dues, by destraint of their movables. The procedure now in vogue for the recovery of land revenue arrears is too cumbrous & circuitous and the panchayat will not thereby be able to act with that vigour & promptitude which are so essential to secure efficiency in these petty matters. If for instance, a ryot's quota of labour or its equivalent is not paid at once the panchayat should

ie

be able to seize his bullock,
sheep or goat or other moveable
and recover his dues by such
means within a few days.

Again the cultivation of
the beds of the tanks is doubtless
a good means of supplementing
the supply of food grains in time
of drought and scarcity. But,
per contra, there are certain necessary
evils which ought to be avoided.
The lands, when brought under
cultivation, will be manured
and there is thus the risk of the
water being fouled. This ought
to be avoided especially when
the tank affords the only supply
of

of water for the use of a village.
I would therefore restrict the
cultivation of these tank beds only
making either the Amildar or the
Division Assistant Commissioner's
permission a condition precedent
thereto.

With these observations, I have
the honor to express my approval
of the system sought to be introduced.

I have the honor to be,

Sir ,

Your most obedt servant,

J. H. Thacker

Assistant Commissioner

and Collector &c.

07.08 59 F.R. 834

6-9-07

Gen. 31

~~189~~/1907 1. Memo

Letter No 1560 dated 31st Aug

From C. Ramachandra Esquire
Senior Assistant Commr

To D. Devaraj Urs Esquire
Deputy Commissioner
Bangalore District

Dated 3rd September 1907

Despatched

Received

General No. 1196
No.

Enclosure No. 1 Memo

4.9.07
Acc to
Refer Put up
with other papers
& submit
h

Letter
6/9

With reference to the Deputy Commr's Memo No 682 dated the 16 ultimo (read on the 30 idem) has the honor to enclose herein a memo containing the opinion of the undersigned on the Draft Scheme for the Constitution of village Panchayets

for the maintenance & ea of tanks :—

Name & Rank

Senior assistant Engr

Bangalore Division

Memo dtd 7/61

Re Village Panchayets for the maintenance etc of tanks.

Reference to Draft Scheme	Suggestion.
Rule 3 — A Village Panchayet will be constituted in each village or group of villages composed of the Patel, Shanbog & three or more villagers.	The maximum number of the members of the Panchayet may also be fixed.
Rule 4 — (1) They shall have power to apportion the work of repair required	The words "of repair" may be omitted for the work includes annual maintenance of restored tanks, and the restoration maintenance & repair of minor tanks.
Do — (iii) — They shall have control	It is not advisable to allow them absolute

power a fund to be called the P. & R. of.

Control over the fund and to operate upon it without the knowledge & permission of the Amildar. The rule may be modified as follows: —

"Subject to the control the Amildar, they shall have power to operate upon a fund to be called

4-(iii) —(e) —

The Landlord's share in any crop that may be raised ... with the approval of the Panchayet.

for the word "Panchayet" the word Amildar may be substituted:

In the interest of the bank concerned, it is better to allow Cultivation in the bed with the approval of the Amildar. The use of manure etc has to be restricted. When there is competition & more Dar Khasts than one are received, the necessity of selling the bed in one bloc

or apportioning it would arise;

4(iii) — (b); (c) (d)

— Selling of the right of grazing, + of grass & the bund etc, of produce of trees, of fishery.

It may be specified who should hold these sales

The Sekdar may hold them subject to the orders of the Amildar. Unless the amount is large, the sales may be confirmed by the Amildar. When the amount is considerable, the sale should be confirmed by the Assistant Commissioner or the Dy. Commissioner.

4(IV)

Deposit of the fund — After the word Society, the words "in the name of the Amildar" may be added + after the word "utilized the

words " with the approval of the Amildar " may be added.

4 (V) — The issue of water from the Tank for irrigation from time to time may be regulated by the Panchayet. Unless all the Raiyats agree, it would be too much interference on the part of the Panchayet if they were to fix the time for sowing wet crops & to limit the portion out of each holding to be so cultivated in proportion to the water available in the tank. It would be sufficient to make the Raiyats understand that when the supply of water in the tank is found not enough for the irrigation

of all the lands below, the available quantity of water would be fairly distributed among them in proportion to the total extent that would be irrigated by the total quantity of water available & not to the extent cultivated by each individual — Raiyat without reference to the quantity of water available in the tank in any one year.

(10)

This may be done if the holders of wet & garden lands below the tank agree. Otherwise, what is said above with reference to rule 4 (v) is applicable to this rule also.

4 VI. Growing Sugarcane

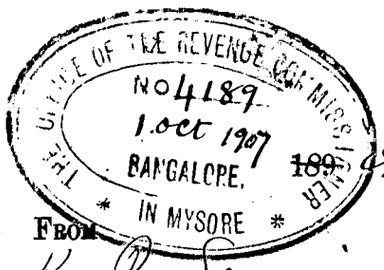
4. VII

Tank bed cultivation

"The power may be exercised subject to the approval of the Amildar, that is - before granting permission, the Amildar's approval should be obtained."

[illegible]
Sewr Assistt Comr

3rd September 1907
Bangalore



1907 — 08.

From K. R. Srinivasaraghavan Esq M.A.
Deputy Commissioner,
Kadur District

To A. Ranganayakulu Esq B.A.B.L.
Revenue Commissioner in Mysore

Dated 30 September 1907

Despatched 30

Received

General No. 203

No. R

Enclosure No. nil

Subject.

Submitting opinion on the Draft Scheme for the Constitution of Village Panchayats for the maintenance of Tanks &c.

Sub-R
7.10.07

No.

Deputy Commissioner's Office
Hassan District.
Dated, Hassan, 30th September 07

From,

K. R. Sreenivasiengar Esq. M.A.
Deputy Commissioner,
Hassan District.

To

A. Rangaswamiengar Esq. B.A. B.L.
Revenue Commissioner
in Mysore.
Bangalore.-

Sir,

With reference to your Circular memo No. 2150-7/4 Dated 9th/12th August 1907, calling for my opinion on the Draft scheme for the Constitution of "Village Panchayat" for the Mantenance of Tanks &c., I have the honor to state as follows:—

In the Draft Scheme it

is proposed to form Village Panchayats consisting of the Patel and Shanbogue and 2 or 3 respectable villagers to deal with certain questions relating to the maintenance &c of Tanks.—

2 — The essentials for the success of such a scheme are firstly a spirit of unity and co-operation among the villagers. Secondly a certain amount of education and thirdly a realization by the villagers of their duties and responsibilities to work for the common welfare of the village.—

3 — It is a well known fact that most of the villages are split up into factions and that in such villages it is impossible

to

to expect any Panchayat to work harmoniously to the satisfaction of both parties. One or other of the parties will be sure to preponderate in the Panchayat with the result that there will be complaints or appeals every day against it from the disaffected party which will take all the time of an Amildar to settle.

4 —— As regards educational qualifications, I believe I am not exaggerating when I say that in about 50 per cent of the villages the only literate man is the Shanbogue. Even the Potels are mostly illiterate

and

and it will be many years be-
fore any appreciable improve-
ment is effected in their literacy
in accordance with the recent
orders of Government. In such
villages the "Pannayam" (as the
Shanbogue is styled by the ignorant
and illiterate Raiyats) is the
ruling factor, and the Panchayat
will be synonymous with him
and will only form a convenient
tool in his hands to be
manipulated by him to his
advantage. —

5 — Our Raiyats in the
villages do not generally have
such a sense of their duties
and responsibilities as members
of a common brotherhood

as

as would justify us in expecting them keenly interest themselves in the proposed scheme and contribute to its successful working.—

6- - For the above reasons, I am sceptical about the benefits to be derived by the formation of the proposed Panchayats indiscriminately in all the villages of the State. If the scheme is to be introduced at all it will have to be confined in the first instance, only to not more than half a dozen large & important villages in each Taluk containing a fair population of intelligent and educated men who take

a

a keen and beneficial interest
in the affairs of the village.
On the results and with the
experience of the working of these
Tentative Panchayats the scheme
may be gradually and cautiously
introduced to the less important
villages

7 ——— Turning now to the
powers and duties with which
it is proposed to invest the
Panchayats in the Draft
Scheme I see that they refer
to :-

1 The maintenance of
restored works.

2. The lining out of beds
for cultivation.

3. The regulation of
water

water supply to the lands under
Tanks. —

4 — The restoration of
minor Tanks and the recovery
of Contribution therefor. —

8 — As regards the maintenance of restored Tanks I am of opinion that this important work will not in any way be carried out better by entrusting it to the Panchayat. The draft rules do not provide for the exercise of any powers by the Panchayat for the enforced recovery of the cost of maintenance from defaulting Ryots; but leave it to the Amildar as at present to take coercive steps after hearing the representation of

of the Panchayat. Thus the Panchayat will only take the place of the Patel as a com. plaining body without having it in its powers to enforce the execution of any work by itself - This cannot, I think lead to any better results than those obtaining at present. I may state here that in my experience I have found that the neglect of most of the Tanks is due to the non-preparation of "Handicap Publics" and the fixing of "Handicap" stones on the tank bunds to mark the portion of the bund for the maintenance of which each Panchayat is responsible. Without these "Handicap" stones

stones to mark the apportionment of the land among the Raiyats liable for its maintenance, it is impossible to enforce the individual responsibility of each defaulting Raiyat. Once the "Hanchilé" stones are put up the enforcement of the Rules against individual defaulters becomes quite easy and does not require the help of any Panchayat for its working.

It may be said that the Panchayat will be of use in the preparation of the "Hanchilé Patias" and the fixing of the "Hanchilé" stones. But as this is a work that has

has to be done in accordance
with certain hard and fast
rules there is no scope for
the Panchayats' usefulness
in carrying it out. In this
connection - if I may be par-
-doned for some digression,
I beg to state that the preparation
of "Hanchilé Pattis" and the
fixing of the "Hanchilé" stones
according to the present rules
are attended with certain
practical difficulties which
are not easily overcome.
As some of the lands in the
village are likely to change
hands or pass from the
occupied to the unoccupied
list and vice versa, every
the Hanchise pattis and
year, the "Hanchilé" stone
will

will have to be renewed annually to suit the altered circumstances as regards the holding of each Raiyat every year - This constant alteration and adjustment of the stones whether annually or at other definite short intervals, it felt by the village and Taluk officers as an irksome and tedious affair and is therefore never systematically effected - Once this work is neglected the enforcement of the maintenance work becomes difficult and not easy of accomplishment - I think it is this circumstance which is accountable for

Leg 7 29-10 118

for many of the restored tanks being allowed to get into disre-pair - Another reason for the neglect of many a tank is that a good portion of the Athkat under the tank re-mains unoccupied and the occupants of the lands in holding contend that they should, in fairness, be called on to maintain such portion of the bund as is proportion--ate to the area under occupancy and that the Government should maintain the remaining portion falling to the share of the unoccupied Athkat. I must say that there is a good deal of force in this contention and that I have

cause

Cause across a number of instances in which the maintenance of a long line of bund by the Raiyats holding not more than half the assessed akchkat under the tank has been attended with considerable hardship and difficulty. If the Raiyats liability for the annual maintenance is to be maintained I think that the best and most equitable course will be to mark out the bund into as many bits as there are survey numbers under the Tank the length of each bit being proportionate to the assessment of the survey number

leg 7 23-11 50

number; and make the occupant of each survey number responsible for the maintenance of the bit which abaches to that number. In this arrangement the Govern- ment will have to maintain the bits which pertain to the unoccupied survey numbers. This will mean no doubt that the Mohatirpa payer and holders of dry lands would escape all liability for the maintenance of the Tank: but I think that they should not in fairness be called on to contribute — towards the maintenance. If this procedure is con- sidered

Considered the Complex, I would advocate the easier Course (which I believe will be acceptable to most of the Raiyats concerned) of recover-ing a small areal cess on the wet akchkat under the tank to meet the cost of the annual maintenance. This arrangement will also have the advantage (speaking from the Raiyats point of view) of making the Raiyats liabilities proportionate to the extent only of the occupied area under the tank - Though the above expressions of my opinion on the working of the tank maintenance rules now in force

force are irrelevant to the
points raised in the refer-
-ence under report, I have
ventured to place them before
you as the subject is one
which I believe to be incident-
-ally connected with the point
at issue and to which I have
been long giving close earnest
attention. —

9 — Turning now to the
second point raised in para
two — that is that relating
to the lining out of the tank
beds for cultivation. I beg to
state that considering the
objections generally raised
to the cultivation of tank beds
on the score of there being
thereby

thereby silted up and the pre-
vailing practice to give out
the beds for cultivation only
in exceptional years of drought,
it seems to me that it is
neither safe nor desirable to
entrust the Panchayat with
power of disposal of the Tank
beds for cultivation. All that
the Panchayat may be allowed
to do in this direction is to
apportion the Tank bed among
the villagers when the authorities
have decided to give it out
for cultivation.

10 — As regards the regulation
of water supply to the Ayakkat
lands, this may very well be
entrusted to a Panchayat, but I

have

Leg 7 cg 10

have my misgivings about the Ryots always abiding by the orders of the Panchayat: and I fear that the Sheristadar may have his time taken up a great deal with deciding appeals against the decisions of the Panchayats in such water supply cases.—

12 — With respect to the restoration of the minor tanks and of the recovery of the contribution, I am unable to understand how the formation of village Panchayats will effect any improvement over the existing procedure or how it will tend to facilitate the restoration of the Tanks. The Draft Scheme leaves the difficulty of enforcing the recovery

recovery of the Contribution from individual recalcitrant Raiyats with the same as at present as the decision of the Panchayat cannot have any binding force on every individual Raiyat in the village.

12— In Conclusion I beg to be pardoned if I entertain grave doubts about the success of the proposed Scheme in the form and for the purpose for which it is intended.—

I have the honor to be,
Sir
Your most obedient servant;

Deputy Commissioner
Kaira

Comp.
Bhn

Agri 15-07-3 2036/86 Ser. 3 Ref.

MYSORE P. W. DEPARTMENT.

No. 7368/S.4

CENTRAL OFFICE,

BANGALORE, Bangalore, 16-10- 1907.

From

THE CHIEF ENGINEER OF MYSORE,

BANGALORE.

To

The Secretary to the Government
of His Highness the Maharaja of Mysore,
General and Revenue Departments,
BANGALORE.

SIR,

With reference to your No. R.886/Agri-19-07-1 of the 5th August last, forwarding a draft scheme for the constitution of Village Panchayats for the maintenance of tanks and the repair and restoration of minor tanks, and requesting that the opinions of the Executive and the Superintending Engineers on the scheme be obtained and submitted &c,- I have the honor to forward the marginally noted reports received from the Superintending Engineers of circles, which contain their views as well as those of the Executive Engineers together with a memo recording my own opion and suggestionson the draft scheme referred to.

2. Mr. Karve, Executive Engineer On Special Duty, has also furnished his opinion on the scheme in his No. 655 dated the 23rd ultimo (enclosed).

I have the honor to be,
Sir,
Your most obedient servant,

M. Visvesvaraya

Chief Engineer of Mysore.

West: Cir: Suptg: Eng:s No.4236 D/ 26-8-1907, with the opinions of the Ex: Engs: in the Circle.

East: Cir: Suptg: Eng's:No. 4614 D/ 30-8-07, with the opinions of Ex: Engs: in the Circle.

MYSORE P. W. DEPARTMENT.

No.

From

THE CHIEF ENGINEER OF MYSORE.

Bangalore

To

Dated Bangalore,

Despatched

Enclosure No.

SUBJECT.

57 (1)

Draft Scheme for the constitution of village Panchayats for the maintenance of tanks &c

Reasons in the above

The Scheme is no doubt a good one; and if the co-operation of the ryots can be secured, such a Scheme should succeed. I however, have great doubts if the majority of the ryots can be induced to understand the value of co-operation in such a matter as the maintenance of tanks and channels when they have hitherto, I believe, shown little aptitude for co-operation in other directions.

The Scheme should on no account be allowed to be considered as doing away with the necessity of constant and active supervision, and check by the Officers of the Revenue Department.

It is doubtful whether most of the members of the Panchayat will take the trouble to efficiently discharge their duties; and it is probable that in the majority of cases their

10/12/12

the necessary to be carried
4 (IX)

In case of a license issued
or failure will depend on
the approval of Co-operation
and will be in the district
of Government.

If it is impossible to
secure the license to the
Corporation to the powers of
the Municipality and [illegible] case this Law
to be [illegible] to break
the [illegible] of
Trust.

Permission to manufacture
the beer of Trade, [illegible]
4 III (C) x 4 (VII) Chemist of
the name of the Municipality
and Board of Health
permission as above
Regulations shall be
Each in the Case of the
Defaulting [illegible] on the
Recommendation of the
Municipality.

I think the license
should be extended
to include the repair
and maintenance of all
Sanitary and Hygienic
Clauses under the Municipal

as well as tanks: and a ref. to all feeder channels to tanks.

51

Dg 7 (5-20

It is presumed that Rule V only applies to minor tanks. It would never do to deal with the restoration of major tanks in this way; and all projects for major tanks should be sent up to the Chief Engineer for scrutiny and sanction (vide Rule 2)

The Rules - para 4 - defining the powers and duties of the Panchayets will be useful if properly carried out.

(1) in regulating the supply of water to the lands under tanks.

(2) in fixing the periods for the sowing of crops.

(3) in deciding the limits of areas to be cultivated with due regard to the available supply.

(4) in apportioning the work to be carried out by each ryot for repairs, or in fixing its money value if the ryot prefers to commute it.

20/9/20

Ent

rules some necessary restrictions are imposed,

this town has since
that time grown, than
they can have at present,
in the hands of the more
influential, appears that
the owners appear unlikely
to sustain, against hardship
than this is more especially
in regard to the unequal
flow of water.

I consider that more
power could be applied
by means of the
part of appeal should also
be laid down; and this
would be the level which
should be added to the
canal in this town.

[illegible]

dg 7-12-10 (91

(2)

Letter No: 655 Dated 23rd September 1909, from the Executive Engineer, On Special Duty to the Chief Engineer of Mysore.

In reply to your No: 5662 of 9th ultimo, forwarding for my opinion a draft Scheme for the constitution of village "Panchayats" for the maintenance of tanks and Repair and Restoration of minor tanks, I have the honor to state that the scheme seems to be a good one, but that to make it a success (1) precautions will have to be taken to prevent abuse or misappropriation of the "Panchayat" funds; (2) terms will have to be fixed, according to the magnitude of work and local conditions, for the completion of a tank or a group of tanks taken up at a time; and (3) Restoration of minor tanks will have to be done as per construction details furnished by a competent authority.

2. If the precautions alluded to are not taken the funds will share the fate of Agricultural Banks. The object of fixing terms is to prevent works from dragging on. If they are dragged on they get damaged more especially earth and stone works. As regards the necessity for furnishing construction details it requires no explanation.

3. It would appear from para I of the

6/4/12

the fact that the village "Panchayat" funds is not intended for the maintenance of tanks except up to standard but as per para 3 it appears to be meant for that purpose also.

ii. In sub para V of para 4 it is said that the issue of water from a tank for irrigation shall be regulated by the "Panchayat". This will be immense good to the country in that by this arrangement some wet crop is sure to be grown under each tank. What happens now is, that lands under tanks having been assessed at wet rates and generally all having been occupied, irrigation of all of them is attempted by their owners irrespective of the quantity of water in their tanks, with the result of a failure of crops except in years of a good rainfall only. It seems desirable to add the following to this para.

1st That on such of the lands as there for the irrigation of which water cannot be made available, dry crops may be raised paying the dry rate that may be fixed by the Revenue Department."

Leg 729-20 193

2 ndly From the guidance of the Panchayat in determining the extent of land that can be irrigated under tanks in years of insufficient rainfall stones will be fixed in them showing their approximate capacities at different levels.

5. I could not send in my opinion earlier as was ill from the 10th of the last month till the 21st of this.

K.T. 16/9/12

(94)

Leg 7[illegible]

(3)

Letter no 4644 dy 30th August 1907
from the Supdg Engineer, Eastern circle
to the Chief Engineer of Mysore

With reference to your no 5660 dated 5th instant forwarding for expression of opinion of Exr: Engineers and myself, a Draft Scheme for constitution of Village Panchayats for the maintenance of tanks & the repair & the restoration of minor tanks, I have the honor to forward the opinions obtained from Executive Engineers.

2. The Executive Engineer, Kolar Dn (Mr. Krishna Murgar) points out certain verbal inaccuracies in the Draft Scheme & does not recommend inclusion of certain items in Village Fund; & on the whole considers the Scheme excellent in conception but is not very hopeful of its success owing to want of idea of corporate interest in the ryots.

3. The Exr: Engineer, Bangalore Dn (Mr. Venkatachar) depricates grazing on tanks; & while approving the Scheme advocates its gradual introduction.

4. The Exr: Engineer, Mysore Dn (Mr. Rice) considers the Scheme "very sound" & thinks the ryots

it exists to-day. The scheme is elastic for application and is capable of modification and expansion in any direction needed. The old Village unity, with the political & social conditions that called it into existence is gone & there is little to regret in this. Here is the material for a higher form of unity & of all the attempts made to bring this new unity into existence, the scheme under consideration seems to promise the most. An ever present need & an ever overhanging danger must stimulate the people "a latten possession" of by a "feeling of individual freedom", to united action when no other help can be had. This is perhaps the best point in the scheme. Its success must entirely depend upon the sympathy of the Officers who will have to work it and in dependence they will allow the Panchayat. A great deal of patience will be required on the part of Govt. I heartily recommend the Scheme.

(4)

Letter No. 4236 dy 26th August 1907
from the Superintending Engineer, Western Circle
& the Chief Engineer of Deccan.

With reference to yours no. 5661
forwarding for my views & those
of my Executive's Draft Scheme
for maintenance of Tanks & repairs
& restoration of minor tanks by
the Agency of Village Panchayets
my own views are as follows:—
The Scheme is worth a trial as it
cannot be less satisfactory than
the present system which puts the
whole task of executing work for
maintenance &c., on the Revenue
Officers who have not the time
& hurry individual ryots into
doing their shares of work. Seeing
however the deplorable manner in
which not only the ryot but the
more enlightened inhabitants of
the towns neglected the maintenance
of their own property, their houses for
instance, & the way everything
is allowed to deteriorate from
temples down to personal clothing,
for want of timely stitch, I fear
this theoretically excellent scheme is
ahead of the times. But a beginning
must be made in everything and
unless the ryot is taught to
accept his responsibilities
he will never recognise them.

leg 7-25-20

In the 5th line from the end of the para, I presume restoration can only refer to minor tanks as neither Amildars nor Panchayats are at all qualified to supervise or manage a large work even extension repairs to restored major tanks which has been allowed to deteriorate should be dealt with by technically trained staff.

In para 7 4th line from end the word Committee is used, I presume this means the panchayat.

Surely some check should be possible on the expenditure of the Panchayats, I do not mean the complicated detailed audit of the Examiners Dept, but a rough check by district officers to guard against wholesale misappropriation. A simple form of accounts being made compulsory would provide for this.

Though the Executive Engineers of the circle have instructions to treat the reply to my reference on this subject as urgent, I have not yet received the views of any Divn.

When received this will be submitted in consolidated form & in the meantime I submit my own views as noted above.

(P.S. 26]

Agri File No. 19/07
Serial No. 4

Diary No. of letter replied to

General and Revenue Secretariat
( )
, the 190 .

To
The Rev: Commr:
in Mysore.

No. R. 2892

Date of issue 9/4/07

Signed by P. G. Johnston Esqr

Sir,

With reference to your letter No. C: 88 Dy 4-10-06, submitting your views together with those of the Dy: Commrs of Dists, in re the draft scheme for the constitution of Village Panchayets for the maintenance of tanks and the repair and restoration of minor tanks, I am directed to forward herewith the marginally noted files containing the papers connected with the scheme and to request that you will be

over.

SUBJECT.

so good as to prepare a draft
bill including all the matters
for which legislation is necessary.

I have &c

&

for Secretary.

W. C.

Copied by

Examined by

MGCPB—30,000—16-2-06

Rev. Comr. Form 12.

190 .

From

A. RANGASWAMI IYENGAR, Esq., B.A., B.L.,
Revenue Commissioner
in Mysore.

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

Dated 29/6

Despatched Nov: 1907

Received

No. 5642

2865 Rev

Enclosure No. 2 files

Returning certain files in re the draft scheme for the constitution of Village Panchayets for the maintenance of tanks etc :-

Young & Co., Printers, 2,000—6-3-07.

No. OFFICE OF THE REV. COMR. IN MYSORE.

Bangalore, 29th November 1907.

FROM

A. RANGASWAMI IYENGAR, Esq., B.A., B.L.,
Revenue Commissioner in Mysore.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments.

SIR,

With reference to your letter No.R.2892/Agri.19-07-, dated 9th November 1907, forwarding certain files in re the draft scheme for the constitution of Village Panchayets for the maintenance of tanks and the repair and restoration of minor tanks, I have the honor to state that a Draft Regulation was forwarded this day to the Under Secretary to the Dewan as I was ordered to submit one as early as possible. It is necessarily very imperfect as I have not had the advantage of an intelligent Memo of the previous history of the subject and being pressed for time have not been able to prepare an explanatory note of the scope of the various provisions of the Draft Regulation and the reasons in support of the same. These defects may be rectified in the Legislative Department.

2. The enclosures to your letter under reply are returned herewith.

I have the honor to be,

Sir,

Your most obedient servant,

Revenue Commissioner.

Draft. REGULATION OF 1907.

PREAMBLE

Whereas the construction, restoration, and repairs of tanks and other works of irrigation in Mysore have been carried out by Government with the aid of the ryots in accordance with principles based on ancient custom, executive orders of Government having force of law, and other Government orders issued thereunder, and whereas it is deemed expedient to define, consolidate and supplement such principles and rules in order to secure a better working of the system, His Highness the Maharaja of Mysore is pleased to enact as follows:-

2

Reg 2 of 1907 Chapter I 1907

PRELIMINARY

Short title.

1. This Regulation may be called " The Tank ~~Maintenance~~ Regulation, 1907."

Local extent.

2. It extends to the whole of the territories of Mysore.

Commencement.

It shall come into force from

Definitions.

3. " Tank " The word "Tank" means any source of water supply and shall include

an anicut, Wud, or Talparige;

channels whether used as a feeder, irrigation or distribution channel and whether drawn from a tank anicut, river, or water course;

and ~~as well as~~ hondas " Gokattes " or ponds whether utilized for irrigation or not.

" A major tank " is one the assessment on whose atchkat or irrigable area is not less than ₹300 or such amount as the Government may fix by Notification duly published in the Government Gazette and shall also include such as Government may for special reasons notify likewise as such.

All other tanks shall be 'minor Tanks'.

3 Reg 729-w (155

" Construction " shall mean the creation of a new tank.

" Restoration " means creating afresh a tank, and includes work required to re-establish or replace in its original condition a tank which from neglect, accident, or other cause, has fallen into disuse or become impaired or less efficient than formerly.

" Improvement " means increasing the capacity of a tank so as to provide additional means of irrigation ~~and~~ or render it more efficient.

" Maintenance " or " upkeep " shall mean work required to keep or maintain a tank at the standard of safety that may be fixed for it after its construction, restoration, or improvement.

" Special repairs " are those rendered necessary by storm, flood, or other unforeseen accident.

" Petty repairs " shall mean such small annual or timely repairs as are required to prevent the deterioration of a tank from ordinary wear and tear resulting from use or the effect of the seasons, such as turfing the bund removing silt from the sluices, feeders and distribution channels and clearing all bunds of weeds, prickly pear and jungle when injurious.

Reg 7-29-co (106

" Ryots " shall mean and include Pattadars, Shikmidars, Inamdars and others holding lands attached to the village either dry or wet, and ~~residents of the village owning cattle, sheep and goats; also persons holding lands irrigated from the tank but situated in other villages~~.

or village

and inhabitants of the village and all others deriving any benefit whatever from the tank either directly or indirectly

" Masonry work " shall mean work requiring professional knowledge or skilled labor and shall include masonry and stone work.

" Earth-work " shall mean all work for which no professional skill is needed and shall include the raising of tank bunds or ~~cutting an embankment~~ Excavation, turfing, silt and weed clearing and jungle clearing.

" Government tanks " are such as belong to or are under the exclusive control of, the Government of Mysore.

" Inam tanks " are such as are subject to Government control though alienated in favor of private individuals or situated in alienated villages but shall not include those over which private individuals have exclusive right and control. Provided that it shall be open to Government to declare by General or Special notification what tanks shall be under their Control.

Chapter II – Obligation of ryots 107

Reg 7-28-40

Construction, Restoration and improvement of major tanks.

4. The construction, restoration and improvement of major tanks will rest with Government assisted by such contribution from ryots as may be ~~collected~~ levied.

5. The construction, restoration or improvement of minor tanks will, unless undertaken by the ryots of the village or villages in which they may be situated, be carried out by Government as funds permit ~~of~~ or assigned to private individuals on terms which may be laid down by Government.

6. If a majority consisting of not less than two-thirds of the ryots liable ~~to execute the~~ for petty repairs ~~to~~ or for its upkeep when constructed restored or improved, agree to undertake the construction, restoration or improvement of ~~a minor~~ such tank, such tank will be transferred to the management of a Village Panchayet as hereinafter provided.

of a minor tank

7. The masonry and stone work required will be Executed by Government or its Estimated cost advanced to the Panchayet and the Panchayet shall be bound to have all other work as well as the masonry and stone work where such work is transferred to it, Executed according to the Specifications and Constructive details furnished by Government.

8. The funds ~~necessary~~ at the disposal of the Panchayet for execution of the work referred to in sections 6 and 7 shall consist of

(a) the amount collected from ryots who prefer to commute their quota of labor into a money payment.

(b) the sale proceeds of the grazing in the tank bed and of the grass on the bund, ~~etc, when the ryots have no right thereto or when they have~~

Leg 7 29-10 (108

~~forfeited it by their default in doing the customary work to the tank~~

(c) produce of trees in the tank and on the bund, if any.

(d) the sale proceeds of the fishing in the tank, if any.

The rent ~~due~~ ~~money or kind~~ payable on acct of ~~any~~

(e) ~~the landlord's share in~~ any crop that may be raised in the tank bed with the approval of the Panchyet

masonry work.

(f) The ~~any~~ grant if any which the Government may make for the Stone and

(g) Any other grant or advance which Government may make in cash or in the shape of remission of a portion of Assessment or irrigation Cess for a term.

9. Ryots shall be liable to execute petty repairs in the case of all Tanks, both major and minor, whether constructed, restored, or improved or not.

Liability of ryots for the upkeep of major and minor tanks.

10. Subject to such rules as may be framed by Government, the ryots shall be held liable to execute all earth-work required for the maintenance of tanks, both major and minor, that have been constructed, restored, or improved and handed over to them for upkeep.

Chap. III - Village Panchayet.

Constitution of the village Panchayet.

11. For the effectual carrying out of works of petty repairs under section 9 and of maintenance of major and minor tanks under section 10, and for the construction, restoration or

or improvement of a minor tank as provided in section 6, a Village Panchayet will be constituted in each village or group of villages composed of the Patel and the Shanbhog and three or more ryots of such village or villages elected by the ryots themselves . Provided that no Such Panchayet shall be formed unless two-thirds of the ryots liable for the work agree to the same in the case of the abovementioned works under Sections 8 and 9. and provided further that in the absence of a Panchayet, the rules in Schedule B* shall apply.—

12. The qualifications required for the electoral body and the ryots eligible for election ~~among the ryots~~, the period for which the members ~~and Panchayet~~ may hold office, and the rules for conduct of their business, are given in the schedule* annexed.

* Schedule A.—Rules to be framed.
* — B—Rules of 15 December 1904 may be adopted.

Powers and duties of the Panchayets.

13. The powers and duties of the Panchayets shall be as follows:

(1) They shall have power to apportion the whole or any portion of the work of repair required for the tank or tanks among the ~~holders of lands under the tank and others interested in or deriving benefit from it~~, in proportion to the extent of lands, interest or benefit which each may possess or derive, subject to a right of appeal to the Amildar.

in accordance with rules issued by Government

Get the work done by Contract out of funds at their disposal or

ryots responsible for the Construction, restoration, improvement, maintenance, or petty repairs of the tank

(2) They shall fix the wages of labor per diem, payable by a ryot who fails to do the work allotted to him or who prefers to commute his quota of labor into a money payment, the wages being subject to such maximum and minimum as may by a general or a

special order be laid down by Government for each District.

(4) They shall ~~have control over~~ administer the fund ~~referred to in section 6~~ subject to submission to Deputy Commissioner of such accounts as may be prescribed by Government.

and withdraw such amount as may be required from time to time, subject to accounting to the ryots in a general meeting before the End of Each Official year and

(3) This fund shall be deposited in the Government Savings Bank or any reliable Agricultural Bank, or Co-operative Society .

In the case of minor tanks transferred to the management of a village Panchayet under Section 6 and of such tanks included in Section 9 as the ryots under which agree by a majority of not less than two thirds,

(5) The issue of water from the tank for irrigation from time to time shall be regulated by the Panchayet. The season for sowing wet crops and the portion out of each holding to be so cultivated by ryots in proportion to the water available ~~should~~ in the tank shall be settled by the Panchayet according to the supply of water in the tank.

The Panchayet may having regard to

(6) The Panchayet shall have power to prevent all ryots from growing sugar-cane where and when they like. ~~Keeping in view~~ the quantity of water available in the tank and instead of allowing different ryots to plant cane in different places Select a compact and suitable block ~~may be selected~~ as near to the bund or sluice as possible and parcel it out among those who want to grow the cane on such terms as regards the rent or

Leg 21 29-10

share to be paid to the owner of the land as may ~~be considered~~ appear to them reasonable ~~by the Panchayet.~~

(This will help to conserve the supply of water in the tank, to minimize the cost of hedging and lessen the trouble of watching and chances of theft.)

(7) The Panchayet shall have power to grant the tank bed for temporary cultivation of quick-growing crops on such terms as regards rent as may be deemed fit by it, Provided that the grant of such permission and the terms ~~will~~ shall be immediately reported to the Amildar of the Taluk.

(8) All decisions of the Panchayet under clauses (5), (6), and (7) shall be subject to the approval of the Amildar of the Taluk.

(9) All moneys due from the defaulting ~~villagers~~ ryots and others to the fund under the above rules shall be leviable as arrears of land revenue.

(10) In the event of any Panchayet failing within the time fixed by the Deputy Commissioner to ~~repairing the~~ construct, restore or improve a tank or maintain it in proper order, or execute petty repairs, it shall be competent for the Deputy Commissioner to suspend the Panchayet, take charge of its funds if any and enforce the ~~Rules~~ provisions of the Regulation according to such rules as the Government may frame in this behalf (vide Schedule (B)).

(10) The Government may from time to time add to or amend these rules as it deems proper and each Panchayet

Ref 229-10 (1)

may with the sanction of Government, make subsidiary rules not inconsistent with the rules framed by the Government for its working.

Chap III. – Inam and Private Tanks

Inam Tanks. 14. Inamdars shall be liable for the restoration of Inam tanks and it shall be competent to Government to enforce their liability in the case of such tanks as are under their control by special or general rules notified in this behalf.

Inam ~~Tttttt~~ Tanks. 15. The liability as regards maintenance of and ~~ttttttt~~ petty repairs to Inam tanks under control of Governme nt shall be regulated by the provisions applicable to similar Government tanks provided that the Inamdar or his agent shall be an ex-officio member of the Panchayet which may be formed and ~~faithe constitution~~ in the absence of such Panchayet, the Inamdar shall be competent to enforce the rules subject to right of appeal to Amildar and subject to such general rules as Government may lay down by notification.

Private Tanks. 16. The construction, restoration or improvement of Government tanks by private individuals shall be subject to such conditions laid down as may from time to time be ~~framed~~ by Government.

In the case of tanks which have already been constructed, restored or

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improved by private individuals the ryots holding lands thereunder shall unless specially exempted be subject to the same liability for their maintenance and petty repairs thereto, as the ryots holding lands under a Government tank.

Chap. V. Emergent and Special repairs.

Emergent repairs.

17. Whenever it shall appear to the officer or any other person in charge of any tank, river or other work ~~or other person~~ that there is imminent danger of the embankment or other work of such tank, river or other work being breached, and of a destructive inundation being caused thereby, which may be prevented by a large body of laborers immediately working together to strengthen the embankment or other work, or when such a breach has occurred, if it shall appear to such officer that it can be repaired, and the inundation caused by it be stopped, by the immediate employment of a large body of laborers for that purpose, it shall be lawful for such officer or other person to require the head or heads of the village or villages in the vicinity to call upon all able bodied male persons of the labouring classes in such village or villages to cooperate in the work necessary for preventing or repairing the breach, as the case may be.

18. Any male person of the laboring classes being duly called upon by the

head of his village to labor as afore said who shall refuse or neglect to comply with such call without any lawful excuse shall on conviction before a Magistrate be punished with a fine which may extend to one hundre rupees ₹ or with simple imprisonment which may extent to one month or with both.

19. Every person who shall be employed on such work under such requisition shall be paid for his labor by day at the highest rate paid in the neighbourhood for similar work and if he is required to work at night at double such rate.

20. Payment shall be made to the labourers from the public treasury; and if the labourers shall have been employed upon a work belonging to a private person the amount advanced from the treasury shall be recoverable from such person by the same means which may be lawfully used for the recovery of arrears of land revenue

21. It shall be lawful for heads of villageson the requisition of the officer in charge of such works as aforesaid or in his absenceon the requisition of the Amildar or in case of emergency, when neither such officer nor the Amildar is on the spot, of their own motion, to make requisitions upon the inhabitants of their villages for supply of materials, to

wit, trees and leaves, bamboos, straw and the like, necessary for stopping breaches in the embankments of tanks, rivers and other works, and to seize, and, if necessary, to cut down such articles wherever they may be found giving receipts for them in writing. Such supplies shall be paid for from the public treasury at the highest prices for which such articles are sold in the neighbourhood, and in case damage is sustained by any person in consequence of cutting down of any such articles compensation shall be madefor such damage which compensation shall in case of dispute be determined ~~by the Collector~~ summarily by the Amildar such amount being payable on demand. When the work for ~~which~~ which such articles are used belongs to a private person the amount advanced from the treasury shall be recoverabl from him by the same means by which arrears of land revenue are recoverable.

22. ~~a~~ In the case of special repairs to tanks which have been handed over to the ryots for upkeep, the ryots shall be liable for the earthwork, the masonry and stone work being done by Government. In cases of hardship, it shall be competent to Government to make ~~any~~ such grant for ~~executing a portion of~~ earth work as ~~it~~ may consider necessary.

Chapter VI — Channel offences.

Channel offences.

23. The following acts are declared to constitute channel offences and are punishable on the revenue side by officers not below the grade of Amildar with fine not exceeding ₹10. In extreme cases falling under sections 425, 426, 427, 430, 431 or 432 of the Penal Code, the case should be taken up by acompetent magistrate.

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I Obstructing the flow of water in the main or supply channels.

II Injuring the main channels by op opening escapes for the water or otherwise.

III Injuring the channel banks by digging up grass or otherwise.

IV Wilfully allowing cattle to stray on the banks of the channels.

V Cultivating land within such space as may be prescribed from time to time by Government from the channel banks, after being prohibited by proper authority from doing so.

VI Interfering with any sluice or other work in the main channels.

VII Widening, deepening or otherwise altering the supply channel to the detriment of land further from the sluice.

VIII Wilfully allowing wastage of water flowing from the main channel.

IX After notice neglecting to maintain the earth-work over mudways to the same height and section as the contiguous portions of the embankment.

2~~4~~ ~~The Inamdars shall be liable~~ to ~~maintain in order~~ any tank (~~excluding certain specified river channels such as~~ the Cauvery, Hemavati and ~~Rajaparameswari channels)~~ from which

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~~they derive their supply of water or to contribute a proportionate share of the cost of such maintenance.~~

Chapter VII – Miscellaneous

24. It shall be competent to Government to make such rules as may be considered necessary for the maintenance of tanks in efficient condition ~~but~~ not inconsistent with the provisions of this Regulation ~~such as relate to the specification and construction details in preparation of estimates~~ the proportion in which ~~the ryots should contribute labor, the manner in which the different kinds of work should be examined the powers and duties of the inspecting officer etc.~~

for effectual carrying out of the provisions of this Regulation and to alter or amend them when necessary

under this Regulation

25. ~~All subsidiary~~ No rules ~~that may~~ Shall be ~~framed~~ passed by Government ~~under this Regulation shall not be brought into force~~ unless ~~notice~~ a period of three months from the date of the publication in the Government Gazette has been given to the ~~ryot~~ public to make ~~any~~ representation thereon ~~and unless two months have elapsed after their representation, if any, has been heard and considered~~

or come into operation after being passed till two months have elapsed after their notification in the Gazette.

dg. 11-07

No. 6285

OFFICE OF THE REV. COMR. IN MYSORE,

Bangalore 16th December *1907*

FROM

A. RANGASWAMI IYENGAR ESQ., B. A., B. L.

Revenue Commissioner in Mysore.

To

The Secretary to the Government of His Highness
the Maharaja of Mysore,
General & Revenue *Department.*

SIR,

In continuation of this office letter No.5642 dated 29th November 1907 intimating the forwardal of the rough draft of the Tank Regulation to the Under Secretary to the Dewan, I have the honor to forward herewith a fully typed copy of draft Regulation with some verbal alterations together with the draft of the statement of objects and reasons.

I have the honor to be,

Sir,

Your most obedient servant,

K Subbadan

For Revenue Commissioner.

B.K.R.

Rev. Comr
Form 12.

190 1515.

From

A. RUNGASWAMI IYENGAR, Esq., B.A., B.L.

Revenue Commissioner,

in Mysore.

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
Gen & Rev. *Departments*

Dated 16th December 1907

Despatched

Received

No.

Enclosure No.

Forwards copy of
draft of Tank Regulation
together with the draft
of the statement of
objects and [illegible]

Young & Co., Printers, Bangalore, 2,000—25-11-07

Draft REGULATION of 1907.

PREAMBLE.

Whereas the ~~construction, restoration, and~~ repairs, maintenance of tanks and other works of irrigation in Mysore have been carried out by Government with the aid of the ryots in accordance with ~~principles based on~~ ancient custom, executive orders of Government having force of law, and ~~other~~ Government orders issued thereunder, and whereas it is deemed expedient to define, consolidate and supplement such ~~principles~~ customary rules and ~~rules~~ orders in order to secure a better working of the system, His Highness the Maharaja of Mysore is pleased to enact as follows:-

Chapter I.

PRELIMINARY.

Short title. 1. This Regulation may be called ~~"The Tank Regulation, 1907."~~ A Regulation for maintaining village tanks and for the management of irrigation works.

Local extent. 2. It extends to the whole of the territories of Mysore.

Commencement. It shall come into force from

Definitions. 3. (1) "Tank" ~~The word "Tank" means~~ means any ~~water supply~~ irrigation source and shall include a vessel an anicut, Wud, or Talparige; a channel whether used as a feeder, irrigation or distribution channel and whether drawn from a tank, anicut, river, or water course; and ~~hondas~~, "Gokattes" or ponds whether utilized for irrigation or not.

(2) "A major tank" ~~is one~~ shall mean a tank

on whose ~~ex-tank or~~ irrigable area is not less than Rs300 ~~or such amount as the Government may fix by Notification duly published in the Government Gazette~~ and shall also include such other tanks as Government may for ~~special~~ any reason notify ~~likewise~~ as ~~such.~~ major tanks;

All other tanks shall be 'minor Tanks'.

(3) "Construction" ~~shall~~ means the creation of a new tank.

(4) "Restoration" ~~means~~ State creating afresh ~~a~~ State a tank, and ~~includes~~ work required to re-establish or replace in its original condition, a tank which, from neglect, accident, or other cause, has fallen into disuse or become impaired or less efficient than formerly.

(5) "Improvement" means increasing the capacity of a tank so as to provide additional means of irrigation or to render it more efficient.

(6) "Maintenance" ~~or "upkeep"~~ ~~shall~~ means work required to keep or maintain a tank at the standard of safety that may be fixed for it after its construction, restoration, or improvement.

(7) "Special repairs" ~~are those~~ rendered necessary by storm, flood, or other unforeseen accident.

(8) "Petty repairs" ~~shall mean such small annual or timely repairs as are~~ required to prevent the deterioration of a

Including the Maharajah's tanks for his private use

(8)

ordinary wear and tear resulting from use or the effect of the seasons, such as turfing the bund, removing silt from the sluices, feeders and distribution channels, clearing the bunds of weeds, prickly pear and jungle when injurious

(10) "Ryots" shall mean and include Pattadars, Shikmidars, Inamdars and others holding lands attached to the village or villages, either dry, garden or wet, and inhabitants of the village and all others deriving any benefit whatever from the tank either directly or indirectly.

"Masonry work" shall mean work requiring professional knowledge or skilled labor and shall include masonry arch work.

(5) "Earth-work" shall mean work for which no professional skill is required and shall include the raising of tank bunds or excavation, turfing, silting and desilting and jungle clearing.

"Government tanks" are such as belong to or are under the exclusive control of, the Government of Mysore.

"Inam tanks" are such as are subject to Government control but in favour of private individuals in alienated villages. This shall include those over which Government have exclusive rights but that it shall be open to Government to declare by general or special notification that it shall be open to the Ryots of the village or villages or a part thereof to use the water for irrigation purposes.

(9) Village includes a group of villages for the purpose of Village Panchayat constituted under section 3, or where a village panchayat is constituted for a part of a village, that part of a village or group of villages or a part thereof as the case may be.

(11) Tank includes a group of tanks or a part of a tank or a group of tanks or a part thereof as the case may be.

ivate Tanks

16. The construction, restorati improvement of Government tanks by pri individuals shall be subject to such c tions as may from time to time be laid d by Government.

In the case of tanks which have al ready been constructed, restored or impro by private individuals the ryots holding lands thereunder shall unless specially e empted be subject to the same liability f their maintenance and petty repairs thereto as the ryots holding lands under a Govern- ment tank.

Chapter V.

EMERGENT and SPECIAL REPAIRS.

Emergent repairs.

17. Whenever it shall appear to the officer or any other person in charge of any tank, river or other work that there i imminent danger of the embankment or other work of such tank, river or other work bei breached, and of a destructive inundation being caused thereby, which may be prevent- ed by a large body of laborers immediately working together to strengthen the embank ment or other work, or when such a breach has occurred, if it shall appear to such officer that it can be repaired, and the in- undation caused by it be stopped, by the immediate employment of a large body of laborers for that purpose, it shall be law- ful for such officer or other person to re- quire the head or heads of the village or villages in the vicinity to call upon all

able bodied male persons of the labouring classes in such village or villages to co-operate in the work necessary for preventing or repairing the breach, as the case may be.

18. Any male person of the laboring classes being duly called upon by the head of his village to labor as aforesaid who shall refuse or neglect to comply with such call without any lawful excuse shall on conviction before a Magistrate be punished with a fine which may ~~km~~ extend to one hundred rupees or with simple imprisonment which may extend to one month or with both.

19. Every person who shall be employed on such work under such requisition shall be paid for his labor by day at the highest rate paid in the neighbourhood for similar work and if he is required to work at night at double such rate.

20. Payment shall be made to the laborers from the public treasury; and if the laborers shall have been employed upon a work belonging to a private person the amount advanced from the treasury shall be recoverable from such person by the same means which may be lawfully used for the recovery of arrears of land revenue.

21. It shall be lawful for heads of villages on the requisition of the officer in charge of such works as aforesaid or in his absence on the requisition of the Amildar or in case of emergency, when neither such officer nor the Amildar is on the spot,

of their own motion, to make requisitions upon the inhabitants of their villages for supply of materials, to wit, trees and leaves, bamboos, straw and the like, necessary for stopping breaches in the embankments of tanks, rivers and other works, and to seize, and, if necessary, to cut down such articles wherever they may be found giving receipts for them in writing. Such supplies shall be paid for from the public treasury at the highest prices for which such articles are sold in the neighbourhood, and in case damage is sustained by any person in consequence of cutting down of any such articles compensation shall be made for such damage which compensation shall in case of dispute be determined summarily by the Collector, such amount being payable on demand. When the work for which such articles are used belongs to a private person the amount advanced from the treasury shall be recoverable from him by the same means by which arrears of land revenue are recoverable.

22. In the case of special repairs to tanks which have been handed over to the ryots for upkeep, the ryots shall be liable for the earth-work, the masonry and stone work being done by Government. In cases of hardship, it shall be competent to Government to make such grant for earth-work as may be considered necessary.

Chapter VI.

CHANNEL OFFENCES.

Channel offences.

23. The following acts are declared to constitute channel offences and are

punishable on the revenue side by officers now below the grade of Amildar with fine not exceeding Rs10. In extreme cases falling under sections 425, 426, 427, 430, 431 or 432 of the Penal Code, the case should be taken up by a competent Magistrate.

I. Obstructing the flow of water in the main or supply channels.

II. Injuring the main channels by opening escapes for the water or otherwise.

III. Injuring the channel banks by digging up grass or otherwise.

IV. Wilfully allowing cattle to stray on the banks of the channels.

V. Cultivating land within such space as may be prescribed from time to time by Government from the channel banks, after being prohibited by proper authority from doing so.

VI. Interfering with any sluice or other work in the main channels.

VII. Widening, deepening or otherwise altering the supply channel to the detriment of land further from the sluice.

VIII. Wilfully allowing wastage of water flowing from the main channel.

IX. After notice neglecting to maintain the earth-work over mudways to the same height and section as the contiguous portions of the embankment.

Chapter VII.

MISCELLANEOUS.

24. It shall be competent to Government to make such rules as may be considered

necessary for the maintenance of banks in efficient condition for effectual carrying out of the provisions of this Regulations and to alter or amend them when necessary not inconsistent with the provisions of this Regulation.

25. No rules under this Regulation shall be passed by Government unless a period of three months from the date of their publication in the Government Gazette has been given to the public to make representation thereon or come into operation after being passed till two months have elapsed after their Notification in the Gazette.

Mig 2 25-20 Draft

STATEMENT OF OBJECTS & REASONS.

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The Mysore State is full of tanks on the proper upkeep of which its prosperity depends. How to provide effectually for this has engaged the anxious attention of the Governments of India and Mysore since the days of the Commissions. In all the discussions held in ~~which have been carried on~~ this matter, it has been fully recognised that the effectual maintenance of the tanks by Government agency alone is impossible and that the co-operation of the ryots who in the past had been distinctly associated with their construction and repair, was absolutely necessary. In order to enforce this customary obligation, rules were promulgated from time to time out of which the Notifications of 1873 and 1875 stand prominent. Owing to various causes chiefly want of co-operation among the villagers and the neglect and indifference of Government officials those rules and instructions issued thereunder were found in practice insufficient to secure the objects in view and attempts were made to codify the rules so as to define more clearly the rights and obligations of the ryots and to enlist their active interest and co-operation. But no effective

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of the fact that the Government of India in 1878, gave their Sanction for the drafting of a code on certain lines indicated by them, and endeavours made since to give effect to the same, no formal Regulation was attempted till now. As the question cannot be postponed any longer in view of the large interests at stake, this draft Regulation has been prepared.

2. It may be premised at the outset that this Regulation does not contemplate any compulsory legislation. The existing orders and usage the legality and expediency of which cannot be gainsaid are laid down in the form of a few codal sections with some supplementary provisions to make them automatically workable in practice. Option is given to the villagers interested in the tanks to undertake the construction and maintenance of their tanks on certain favorable terms. For this purpose, it is proposed to evoke the spirit of co-operation and submission to communal authority which was at one time the pride and mainstay of village life in India. The scope and reasons of the various provisions will now be discussed against the several sections into which this Regulation has been divided.

PREAMBLE

The preamble requires no comment

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as it only explains briefly the object of this Regulation.

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DEFINITIONS

Tank. The word 'Tank' has been defined to include comprehensively all sources of irrigation and water supply enumerated in the Resolutions of the Irrigation Committee of 1869.

In defining the term 'Major tank' the existing classification is maintained but with this difference namely that the assessment of the whole "Ayacut" is taken instead of the actual revenue collection, as the latter is subject to fluctuation. Power is reserved to Government to include ~~Zamindari~~ tanks ~~or other sorts~~.

The terms "Construction," "Restoration," "Improvement," "Maintenance," etc have been defined in order to facilitate the easy drafting of the subsequent provisions.

The definition of "Inam Tanks" admits of easily distinguishing such as the Government is concerned in seeing properly maintained.

The definition of "Ryots" is taken from the Rules of 15th December 1904 as it is the most comprehensive. The proportion in which different classes of ryots should contribute to the work and be allowed the power of management will of course be defined

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by Government from time to time

the rules issued under this Regulation

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Sections 4 and 5 simply enact the provisions which are in force at present.

Sections 6, 7, and 8 empower Government to transfer the construction, restoration, maintenance etc of minor tanks to the ryots and contain the new provisions proposed for the voluntary undertaking of the same by the ryots, the nature of help to be given by Government and the funds which will be available for the purpose. The principal feature of these provisions is that power is given to the majority of the villagers to decide whether or not to undertake and maintain these works in spite of the factious opposition of individuals or small minorities.

more or less on terms and conditions prevailing at present.

Section 9 simply re-enacts a provision which was enforced by the Chief Commissioner's Notification of 1903.

Section 10 similarly re-enacts the rules laid down in the Chief Commissioner's Notification of 1878. It does not go so far as Rule 2 of the Rules of 18th December 1904 which ryots are required to repair and keep up to the standard of safety even tanks which have not been restored

(15)

Chapter III contains the supplementary provisions now introduced for the constitution of the Village Punchayet their powers and duties being almost the same as those relating to "Kudimaramat" here and in the Madras Presidency, and provides that in the absence of a Punchayet, the rules of 1904 shall be enforced by Government.

provisions similar to

Section 11 provides for the constitution of the Punchayet.

Section 12 reserves power to Government to lay down rules for their election, mode of business etc.

Section 13 defines the powers and duties of the Punchayet. Some salutary powers connected with the Regulation of water supply and of cultivation of crops under the tank with due regard to the supply of water in the tank are introduced. They are not inconsistent with the rights vested in the occupants under the survey guarantee as the taking of water from the tank and cultivation of lands by each occupant must in practice be guided by considerations of the common interest of all the occupants under the tank so as to avoid internecine quarrels and loss of crops. The members of the Canara Representative Assembly have mooted from time to time the subject of remission under tanks which [illegible]

supply fails. At present a regular record of the water supply in a tank and its proper use is not maintained and the Government is not able to ascertain how far the occupants have from causes beyond their control been unable to reap even a fraction of the average crop. If the Punchayat be found to work systematically and to maintain proper Registers showing the supply received in the tank and the proper use made of it, the Government might be disposed to offer remission of a portion of the assessment when there has been a serious loss of wet crops.

Sections 14 and 15 deal with the tank belonging to the Inamdars and their liability to maintain and execute repairs to such tanks as are under the control of Government and only the existing provisions are embodied herein. (Vide paras 53 and 62 of the resolutions of the Irrigation Committee dated January 1869) Option is given to an Inamdar to become a member of the Punchayet or to enforce the rules himself for carrying out the works. The liability of ryots to maintain the tanks after restoration in the same manner as in Government tanks is expressly laid down.

Section 16 provides for the construction, restoration and maintenance of tanks by private individuals under

what is called the " Chowthayi system." Power is reserved to Government to offer special terms when required. The ryots liability to maintain such tanks is affirmed except when Government see fit to dispense with it.

Sections 17 to 21 relate to emergent repairs and the provisions have been taken from the proposed Regulation for impressing compulsory labor when any tank or other work is in dangor of being breached. They are similar to those contained in the Madras Act No. I of 1858. It will be noticed that provision is madefor ample remuneration of the labor and materials contributed - this being a great step in advanceof the " Bitti " service enforced formerly in such cases.

Section 22 provides for special repairs caused by storm, flood or other unforeseen accident. The provision is not a new one. Vide Rule 5 of the Rules of 1873 and But the rigour of the usage is mitigated bymaking special provision for a grant in aid.

Chapter VI contains the penal clauses to prevent commission of certain acts ~~declared to be~~ " channel offences " ~~formerly~~ and re-enacts only the existing rules on the subject, ~~in~~ order to make the Regulation complete in itself. It will be noted that the word " channel " is retain

with the word "Tank" in addition though the former is included in the definition of the latter in order to make the provisions more clear.

Section 24 reserves to Government ~~the~~ power to make rules and alter or amend the same whenever it is considered necessary for effectually carrying out the provisions but not inconsistent with any of them.

Section 25 provides for due notice being ~~given~~ given to the public of any such rules alterations or amendments as may be framed by Government before they are passed ~~into law~~ or brought into force.

REGULATION of 1908.

PREAMBLE. Whereas the customary obligations of ~~the~~ ryots in Mysore in regard to the maintenance of major tanks and the restoration, repair and maintenance of minor tanks, have not been satisfactorily carried out in the past; and whereas this result is mainly due to the disappearance of the communal spirit among the ryots and to the absence of sufficient inducements to make them take an interest in their tanks; and

whereas, with a view to remedy these defects and to revive the communal spirit among the ryots, it ~~has been considered~~ is expedient to constitute Village Panchayets to have control over the tanks and to administer the funds that may be assigned for their restoration, repair and maintenance;

His Highness the Maharaja is pleased to enact as follows:-

Short title. 1. (1) This Regulation may be called the Tank Panchayet Regulation, 1908.

Local extent. (2) It extends to the whole of Mysore; and

Commencement. (3) it shall come into force on the first day of January 1909.

Definitions. 2. In this Regulation unless there is something repugnant in the subject or context -

(1) "Tank" means any source of irrigation and shall include an anicut, a voddu, ~~or~~ and a talparige; a channel whether used as a feeder, irrigation or distribution channel and whether drawn from a tank, anicut, river, or water course.

(2) "A major tank" means a tank the annual assessment on whose irrigable area is not less than Rs.300 and shall also include such other tanks as the Government may for any reason notify as major tanks; All other tanks ~~shall be~~ are "minor tanks".

(3) "Construction" means the creation of a new tank.

(4) "Restoration" means ~~creating afresh~~ restoring to an efficient ~~a tank and includes work required to re-establish or replace in its original~~ condition, a tank which, from neglect, accident or other cause, has fallen into disuse or become impaired or less efficient than formerly.

(5) "Improvement" means increasing the capacity of a tank so as to provide additional ~~means of~~ water for irrigation or ~~to~~ otherwise render it more ~~efficient~~ useful for purposes of irrigation

(6) "Maintenance" means works of petty repair required to keep or maintain a tank at the standard of safety that may be fixed for it after its construction, restoration or improvement, and includes the following:—

(7) "Repair" includes -

(a) Petty repairs required to prevent the deterioration of a tank by ordinary

wear and tear resulting from use or the effect of the seasons, such as turfing the bund, removing silt from the sluices, feeders and distribution channels and clearing the bunds of weeds, prickly pear and jungle.

7. 'Repair' means

~~(b)~~ Special repairs rendered necessary by storm, flood, or other unforeseen accident.

(8) "Earth-work" means all work and shall include the raising of tank bunds, excavation, turfing, and clearing of silt, weed and jungle.

(9) "Village" includes a group of villages for which a Village Tank Panchayet may be constituted ~~under reference to section~~ 3, or where such Panchayet is constituted for the control of a tank or group of tanks, the area comprised within such limits as the Government may direct.

~~(10)~~ "Ryots" shall include Pattadars, Shikmidars, Inamdars and others holding lands attached to the village, either dry, garden or wet, and inhabitants of the village and all others deriving any benefit whatever from the tank either directly or indirectly.

(11) "Patel" and "Shanbhog" mean the persons officiating as patel and shanbhog respectively of the village, and where a Village Tank Panchayet is constituted for a group of villages or for a tank or group of tanks, such one of the patels and such one of the shanbhogs respectively as may be selected by the Govt. for the purposes of this regulation.

Constitution of Village Tank Panchayets.

3. For the effectual carrying out of the customary obligations of the ryots in regard to the ~~maintenance and repair~~ restoration, repair and maintenance of tanks, and for the better regulation of the use of water from tanks for purposes of irrigation, there may be constituted for any village, where the Government may consider it expedient to do so, and where a majority consisting of not less than two-thirds of the ryots so desire, a Village Tank Panchayet composed of the Patel and the Shanboghe and three or more members elected by the ryots ~~from among themselves~~ as hereinafter ~~provided~~ prescribed;

Provided that instead of constituting a Village Tank Panchayet for a single village, the Government may, in special cases, ~~authorise the~~ constitution of a Village Tank Panchayet as above for any specified tank or group of tanks or for a group of villages.

Qualifications for election to Panchayet.

4. Subject to the disqualifications mentioned in Section 5, every ryot who

(a) owns wet or garden lands in the village on which the annual assessment is not less than Rs.50, or

(b) owns dry lands in the village on which the annual assessment is not less than Rs.20, or,

(c) pays in the village an annual mohatarfa tax of not less than Rs.10,

shall be qualified for election to the Panchayet.

Provided that the Government may, by Notification published in the official Gazette, reduce, for any local area, the minimum amounts of assessment or mohatarfa tax prescribed above.

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Disqualifications for election to Panchayet.

5. No person may be elected as a member of a Panchayet

(a) who has been sentenced by a criminal Court for an offence, which in the opinion of Government implies moral turpitude, such sentence not having been subsequently reversed or quashed, or,

(b) who has been declared an insolvent, or,

(c) who is less than 21 years of age, or

(d) who is of the female sex.

(5)

Number of elected members of Panchayet.

6. The number of elected members of a ~~the~~ Tank Village Panchayet shall be fixed by the Deputy Commissioner; and of the number so fixed such number, not less than one-fourth or more than one-half, as may be decided by the Deputy Commissioner, shall be elected by the ryots holding dry lands and paying mohatarfa but not holding wet and garden lands, from among themselves; and the rest shall be elected by the ryots holding wet and garden lands with or without dry lands, from among themselves.

Term of office of elected members.

7. The elected members of a Village Tank Panchayet shall hold office for a term of three years.

Patel to be Chairman of Panchayet.

8. The Patel shall be the Chairman of the Village Tank Panchayet and shall conduct all correspondence on behalf of the Panchayet.

The Tank Fund.

9. (1) The Panchayet shall have control over a fund to be called the Village Tank Fund,

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made up of
~~derived from~~ the following items:-

(a) the amounts collected from ryots under section 11;

(b) the rent or value of the share of produce received under section 12;

(c) the sale proceeds of the right of fishing in the tank, if any;

(d) the sale proceeds of the right of grazing in the tank bed and of the right of cutting and removing the grass on the tank bund;

(e) the sale proceeds of the produce of the trees in the tank and on the bund, if any;

(f) ~~the whole~~ such grant out of the irrigation cess fund allocated in the village, being either the whole or a portion thereof, as the Govt. may from time to time make to the fund;

(g) any other grant which the Government may make to the fund; ~~and~~

(h) any advance which the Government may make to the Panchayet under section 15 for the execution of masonry and stone work; and

(i) any loan which the Govt. may make to the Panchayat for carrying out the purposes of this Regulation.

(2) The fund shall be deposited in the Government Savings Bank or with any Agricultural Bank or Co-operative Society approved by the Deputy Commissioner, and shall be utilised by the Panchayet in executing the annual maintenance ~~and repair~~ major & minor and the repairs of the minor tanks works of the tanks under its control, and for the construction, restoration or improvement of any minor tank, which may be entrusted to the Panchayet under Section 15.

(3) An account of the administration of the fund during each official year shall be submitted by the Panchayet to the general body of the ryots at a meeting to be held within one month after the close of the official year.

Reg 7 25-10 Tamil

Consequence of Panchayet coming into existence.

10. When a Village Panchayet comes into existence under section 3, the enforcement of the customary obligations of the ryots, for the repair and maintenance of all the tanks in the village ~~under the control~~, as laid down in the Chief Commissioner's Notification No 65 dated 2nd Oct: 1873 ~~No. 65 dated 2-10-73~~ with the alterations made by Government Notification No.5262/Agl.626-03-7 dated 15th December 1904, shall thereafter vest in the ~~Village~~ Panchayet; Provided that the Govt may exclude any tank or tanks in the village from the control of the Panchayet.

Power of Panchayet to apportion repair and maintenance work among ryots or to carry out work and recover cost from ryots.

11. (1) The Panchayet shall have the power to apportion the work required for the repair or maintenance of the tank or tanks under its control, among the ryots according to their respective obligations.

(2) If a ryot fails to do the work allotted to him or prefers to commute his quota of labour into a money payment, the Panchayet shall itself get the work done out of the funds at its disposal, recovering from him the cost of such work as fixed by ~~the Panchayet~~ it.

(3) For determining the amount to be recovered from a ryot under the last preceding sub-section ~~clause~~, the Panchayet shall have the power to fix the wages of labour per diem, subject to such maximum and minimum rates as may be laid down by the Government.

Power to grant tank bed for cultivation.

12. The Panchayet shall have power to grant the ~~tank~~ bed of the tanks under its control for temporary cultivation of quick-growing crops on such terms as regards payment of rent or share of produce as may be deemed fit by it.

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Power of Panchayet to regulate the issue of water for irrigation.

15. The Panchayet shall have power to decide on the time for commencing the sowing of wet crops on the wet lands below the tanks under its control and to regulate the issue of water for irrigation from such tanks.

Power to restrict wet cultivation.

Tank

14. (1) A Village Panchayet, specially empowered by Government in this behalf, may, having regard to the quantity of water available in any tank under its control,

(a) determine the portion, out of all wet lands in the irrigable area of such tank, to be cultivated with wet crops and confine the supply of water for irrigation to such portion;

(b) refuse to allow water from the tank for the cultivation of sugar cane to all or any of the lands in its irrigable area;

(c) select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different ryots who may be desirous of growing sugar-cane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

(2) No such power as is referred to in sub-section (1) shall be conferred on a Village Panchayet in regard to any tank

Leg 7-12-20 (167)

under its control except with the consent of a majority of not less than two-thirds of the ryots holding wet lands under such tank.

(3) If, in accordance with a decision of the Panchayet under clause (a) of sub-section (1) any land assessed as wet is not supplied with water for irrigation, the holder of such land shall be entitled to remission of half the assessment of such land.

Panchayet may be entrusted with construction, restoration and improvement of minor tank.

15. (1) If, with the approval of a majority of not less than two-thirds of the ryots who would derive benefit from the construction, restoration or improvement of a minor tank, a village tank ~~the~~ Panchayet agrees to undertake the construction, restoration or improvement, as the case may be, of such minor tank, the execution of all the necessary work, with the exception of the masonry and stone work, may ~~should~~ be entrusted to the Panchayet.

(2) The masonry and stone work required shall be executed by the Government at its cost; but if the Panchayet undertakes to execute it, such work may also, at the discretion of the Deputy Commissioner, be entrusted to the Panchayet, the estimated cost of ~~the masonry and stone~~ such work being advanced to the Panchayet by the Government.

(3) The Panchayet shall be bound to have all the work entrusted to it executed according to the specifications and constructive details furnished by the Deputy Commissioner and within such time as may be allowed by the Deputy Commissioner.

Reg 2 of 5-20 Village

Recovery of moneys due to Tank Fund.

16. All moneys due to the Tank Fund shall, in default of payment by the person from whom such moneys may be due, and on the application of the ~~Village~~ Panchayet, be recoverable by the Deputy Commissioner as arrears of land revenue.

Power of Government to abolish Panchayet in case of incompetency, default or abuse of powers.

17.(1) If, in the opinion of the Government, any Village Tank Panchayet is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the official Gazette, abolish the Panchayet.

(2) When a Panchayet is so abolished,

(a) the members of the Panchayet shall as from the date of the order, vacate their offices as such members; and

(b) the Deputy Commissioner shall take charge of the funds of the Panchayet, if any, and shall enforce the customary obligations of the ryots in the same manner as if the Panchayet had not been constituted and may utilise such funds for the purposes referred to in section 9 in the same manner as the Panchayet may have utilised the same.

(3) A Panchayet thus abolished may, after such time as the Government may think

Reg 7 of 1920

fit, be reconstituted under the provisions of section 3.

18. Nothing in this Regulation shall be deemed to relieve the ryots of any of their obligations under any law, or any rule, order or custom having the force of law in regard to the restoration, repair and maintenance of tanks.

19. 1) The Government may for the whole or any part of Mysore or for any panchayet or group of panchayets make rules to carry out the purposes of this Regulation.

2) In particular and without prejudice to the generality of the foregoing power such rules may ~~prescribe~~

Omit (2)

a) provide for the preparation of lists of persons qualified to vote under Sections 6, 14 & 15 and of persons qualified for election to the panchayet under Sections 4 & 5;

b) prescribe the procedure to be adopted at meetings of voters;

c) prescribe the procedure to be adopted by panchayets at their meetings;

d) prescribe the accounts and books to be kept by the panchayet and provide for the audit of such accounts.

e) prescribe the accounts returns and reports to be furnished by panchayets.

Statement of Objects and Reasons.

There are numerous tanks both large and small in the Mysore State on the proper up keep of which the prosperity of the country depends ~~The Mysore State is full of tanks, on the proper upkeep of which its prosperity depends~~. It has always been recognised that the responsibility for the upkeep of tanks rests upon the raiyats who derive benefit from them, and, so far back as 1873, a set of rules was framed by the Chief Commissioner of Mysore (Notification No.65, dated the 2nd October 1873) for the enforcement of the customary obligations of the raiyats in regard to the maintenance of tanks which have been restored and handed over to them for upkeep. It is under these rules as slightly modified by Government Notification No.P.5262/Agri.626-03-7, dated the 15th December 1904, that the ~~maintenance~~ maintenance of restored tanks is at present enforced.

2. It has however been found as a matter of experience that on the one hand the enforcement of the rules is attended with various difficulties due mainly to the disappearance of the communal spirit among the villagers, and that on the other hand the village officers who have been entrusted with the ~~duty of~~ enforcement of the rules, have been slack in the discharge of this duty, with the result that many tanks have been allowed to deteriorate, and some of them to a serious extent.

3. This unsatisfactory result appears to be traceable to the fact that this important work has been treated as one in which Government is solely concerned and for which Government agency is alone responsible, the principal factor in

the problem, namely, the raiyat owning lands under the tank, having been more or less ignored. Nothing has been done to interest the raiyat in the tank, and to secure his willing and intelligent help and co-operation in the matter of its repair and maintenance. The remedy to the present unsatisfactory state of things would appear to lie in giving the raiyats a voice in the measures necessary for the maintenance of their tanks and also giving them powers to execute the necessary works together with control over the funds that may be set apart for the purpose. With this view it has been considered expedient to constitute village panchayets composed of the patel and the shanbhog of the village and three or more members elected by the ryots from among themselves. The object of the present bill is to authorise the constitution of such panchayets and to lay down their powers and duties.

4. It may be noted at the outset that the bill does not contemplate the compulsory constitution of Panchayets in places where the raiyats do not wish to have ~~such panchayets~~ them. The panchayets are to formed only in places where a ~~clear~~ majority of not less than two-thirds of the villagers desire to have ~~them~~ panchayets constituted. Nor does the bill impose any additional obligations on the raiyats in regard to tanks and their upkeep. The existing rules based on long recognised practice laying down the liability of raiyats to maintain all tanks brought up to standard and to restore certain minor tanks are left undisturbed. The bill only alters the agency by which the liability ~~of the raiyats~~ is to be enforced and substitutes the agency of panchayets composed mostly of members elected by the raiyats themselv

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And in order to create in the ryots a sense of responsibility and the feeling that both the Government and they are jointly interested in the proper upkeep of the tanks, it is also proposed to assign to this new agency the control of the funds set apart for the repairs and improvement of tanks. It is hoped that this will, by evoking the interest and concerted action of the ryots in a matter which is of vital importance to them, go some way towards reviving the communal spirit among them.

in place of the purely official agency now existing. ~~In fact~~ The object of the bill being thus only to authorise the constitution of Panchayets for the control of tanks, in places where the villagers desire to have such panchayets, no attempt has been made in this bill to define the duties and obligations of the raiyats in respect of tanks or to codify the existing law, based on ~~immemorial~~ custom and notifications and orders of Government having the force of law, in regard to tanks. A Regulation to consolidate the law in regard to tanks in Mysore would no doubt be a very desirable measure, but it involves various difficult questions which ~~are~~ is not of pressing urgency. ~~and for the consideration of which it is inexpedient to defer the present scheme of constituting panchayets; and it is therefore not proposed to introduce such a measure at present.~~

5. The powers and duties of the panchayet are clearly defined in the various clauses of the bill, and the scope of the several provisions of the bill and the reasons therefor are discussed in the accompanying notes.

Notes on clauses.

Preamble.

The Preamble requires no comment. It only explains briefly the object of the bill as indicated in the preceding paragraphs.

Definitions.

Tank - The word 'Tank' has been defined to include comprehensively all sources of irrigation. Tanks intended for water-supply but not for irrigation are not included in the scope of the Regulation, although they are included in the existing tank maintenance rules.

In defining the term "major Tank" the existing classification is maintained but with this difference namely, that the assessment of the whole "irrigable area" is taken, instead of the actual revenue collection, as at present as the latter is subject to fluctuation. Power is reserved to Government to include any particular tanks as major tanks.

The definition of "maintenance" is based on Rule 4 of the tank maintenance rules.

The definition of "Village" includes not only single villages and groups of villages, but also the area within such limits as the Government may direct in cases where a Village Tank Panchayet is ~~composed~~ constituted for the control of a tank or group of tanks.

The definition of "Ryots" is taken from the Tank maintenance rules and includes all persons who are under those rules responsible for the maintenance of tanks.

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The definition of "Patel" and "Shanbhog" provides for Government selecting one of several patels and one of several shanbhogs in a "village" as defined in this Regulation, to be members of the Village Panchayet.

Clause 3 indicates the objects of forming village panchayets and explains the circumstances under which panchayets may be formed. It is proposed to constitute panchayets only in places where Government may consider that the conditions are favourable for their successful working and where a majority of not less than two-thirds of the ryots concerned desire to have them.

Ordinarily a panchayet will deal with the tanks in a single village, but provision is made for constituting panchayets to deal with the tanks of several villages, or for a single tank or several tanks situated in a single village or several villages.

Clauses 4 and 5 define the qualifications and disqualifications for election to a panchayet. The qualification is the payment of certain minimum amounts of land assessment or mohatarfa tax, but provision is made for reducing the minimum in places where there may not be a sufficient number of persons paying the amounts fixed.

The "disqualifications" are the usual ones based on sex, minority, insolvency and conviction for a criminal offence.

Clause 6 lays down that the number of elected members for each panchayet may be fixed by the Deputy Commissioner with reference to local requirements and circumstances. In order to

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safeguard the interests in the tank, of ..... who do not own wet lands, but only depend on it for water supply, it is provided that not less than one-fourth or more than one-half of the total number of elected members of the panchayet, as may be fixed by the Deputy Commissioner with reference to local conditions, shall be elected by mohatarfa ~~payment~~ payers and holders of dry land who do not hold wet and garden lands, from among themselves. The remaining members are to be elected by the ryots holding wet and garden lands.

^ for drinking purposes for themselves and their cattle,

K.N.R

Clause 9 (1) enumerates the various items of revenue which will be assigned to the Panchayet for the upkeep, repair and restoration of tanks. Several items which now go to general revenues such as sale proceeds of the right of fishing in the tank, grazing in the tank bund bed, and of the produce of trees in the tank bed or on the bund, and the rent recovered for temporary cultivation of the tank bed, are proposed to be assigned to the Fund as an inducement to the villagers to come forward to constitute Village Panchayets. As the irrigation cess fund is intended for the improvement and repair of both major and minor tanks, and as the repair and improvement of major tanks is not proposed to be entrusted to the panchayet, it is provided that the Government may assign to the tank fund the whole or such portion as it may decide, of the irrigation cess collected in the village.- ~~the whole if there are no major tanks, and the panchayet undertakes all responsibility in regard to minor tanks and a portion if there are any works which the Government will have to undertake in connection with the tanks.~~

Provision is also made for the Government giving loans to the panchayet in cases where such a measure is expedient and necessary.

Clause 9 (2) prescribes ~~how~~ where the money belonging to the fund is to be deposited and for

what purposes it is to be utilised.

Clause 9(3) directs that an account of the administration of the fund should be submitted to the general body of the ryots at an annual meeting.

Clause 10 declares that on the formation of a panchayet for any area, the duty of enforcing the Tank maintenance rules with regard to all tanks in the village, which now vests in the village patel shall thereafter vest in the panchayet; but provision is made for excluding any specified tanks from the control of the panchayet.

Clauses 11 to 15 enumerate the powers which a panchayet may ordinarily exercise or which it may be specially entrusted with.

In clause 11 the power to apportion the work of maintenance under the tank maintenance rules among the different ryots and to carry out work which a ryot may fail to do, which now vests in the patel, is transferred to the Panchayet. ~~This follows on clause 10.~~ Sub clause (3) of clause 11 lays down that, in order to determine the amount to be recovered from a ryot who does not do the work allotted to him, the panchayet shall have power to fix the wages of labour subject to such maxima and minima as may be fixed by Government. It is not proposed to provide for any appeal to higher authority in regard to the exercise of this or other powers of the panchayet as public opinion in the village may be relied upon to act as a sufficient check against the panchayet acting in an unfair or arbitrary manner.

Clause 12 empowers the panchayet to give out the beds of tanks for temporary cultivation on such terms as it may lay down. The usual objections to the cultivation of tank beds are ~~really~~ mostly objections against the use of manure which would render the water of the tank unfit

for drinking purposes. The panchayet may be trusted to see that no such manure is used.

Clause 13 provides that in order to avoid the waste of water that may be caused by different ryots commencing the sowing of wet crops at different times, the panchayet may decide on the time when such operations should be commenced and also empowers the panchayet to regulate the issue of water from the tank.

Clause 14 is one of the most important clauses in the bill and constitutes an important innovation. This clause provides that a panchayet specially empowered by Government in this behalf may, having regard to the quantity of water available in the tank impose such restriction as it may consider necessary on wet cultivation below the tank; but it is proposed to give this power only with the consent of a majority of not less than two-thirds of the ryots holding wet lands under the tank who would be affected by the exercise of the power. It is well known that in seasons of short rainfall all the ryots holding lands under a tank put their lands under wet cultivation, even when it is quite certain that the supply of water in the tank will not suffice to irrigate all their lands, with the result that all of them suffer from shortage in harvests, if not from total failure of crops. Similarly there is now no restriction against any ryot planting sugarcane ~~(which requires water practically all the year round)~~ anywhere below the tank and the result is that sugarcane is planted in small patches here and there and this involves considerable waste of water. It is proposed to give the panchayet (with the consent of the wet land holders) the power to determine

with reference to the amount of water available in the tank, the extent ~~ak~~ out of each wet holding which should be cultivated with wet crops, to prevent the cultivation of sugarcane altogether if the water in the tank is insufficient for such cultivation, ~~and~~ or to select a suitable block near the ~~head or~~ sluice of the tank and parcel it out among the different ryots who may wish to grow sugarcane on such terms as regards rent or share of produce as may be agreed upon with the owner or owners of the block. If on account of shortage of water in the tank any land assessed as wet is not supplied with water for irrigation it is proposed that half the assessment on the land should be remitted.

It is ~~difficult to say~~ a question how far these provisions can be successfully worked. There is no combination among the ryots and the spirit of making a small personal sacrifice with a view to securing large common good has almost disappeared from the country. When carefully considered, however there is really no sacrifice of individual interests involved in the case. Under the existing system, it is, as explained above, a case of all being losers when there is insufficiency of water in the tank.

It is ~~a question how far~~ difficult to say whether all the ryots in a village ~~may~~ will be willing to abide by the decision of the panchayet that in view of the insufficiency of the supply of water, a few of the lands should not grow irrigated crops. If they are prepared to accept such a decision and show some self-restraint, this will be a measure of the extent to which the spirit of combination and sacrifice, which the Government wish to revive, has been brought into existence. In the face of this moral gain the remission of half the wet assessment proposed

as an inducement to the ryots in sub-clause (3), should not be a matter of much concern.

It is true that in Mysore we follow the Bombay system of settlement under which lands are classed with reference to the capacity of the tanks to supply irrigation to them and the assessment on them fixed on the average of a series of years making sufficient allowance for deficiencies of rainfall and other vicissitudes of the season. Consequently the Government is not bound to grant full or partial remission in bad years, nor has it been customary to do so as a general rule. But it must be admitted that in spite of all the care taken by the Survey Department more land is sometimes entered in the accounts as irrigable by a tank than can properly be irrigated by it; and that, although average work out fairly and equitably in the long run the vicissitudes of the seasons are often such as to cause hardship in limited tracts and in individual cases, in particular years.

A different and a more elastic, and possibly on that account a better, system prevails in the neighbouring Presidency of Madras and representations have been made that that system may with advantage be adopted in Mysore. It is not practicable at this stage to alter the whole system of revenue settlement in force in the State; but the Government have, however, been always, as a matter of concession, giving partial or total remission in cases of widespread drought. The present scheme affords the means of meeting cases of limited or individual hardship due to failure of water-supply in an automatic manner. The system of granting remissions which prevails in Madras is liable to abuse as the question of deciding whether there was any loss or shortage

of crops is left to subordinate officials. The scheme now proposed has the merit of leaving a question of this kind to the decision of the panchayet elected by the villagers themselves. It is not likely that the concession would in any way be abused or that it would lead to any serious loss of revenue, as a panchayet representing the ryots would not put lands out of wet cultivation unless there were very good reasons for doing so. The Government assessment represents a small proportion of the value of the total produce and the community will not willingly forego the profits to be derived from wet cultivation simply to have the benefit of having half the wet assessment remitted. And from the point of view of the successful inauguration and working of this scheme, it is only some such concessions as these that will bring the people together and induce them to take an interest in the working of the Panchayets. Besides this system will afford valuable data about the irrigational capabilities of tanks and be of use in future settlements, as well as enabling the Government to rectify any serious inequalities that may be disclosed in existing settlements.

Clause 15 deals with the construction, restoration and improvement of minor tanks. Under the existing system Government does not undertake such construction, restoration or improvement unless the ryots come forward and do the earth-work, when the Government gets the masonry and stone work executed. This clause undertakes to execute such construction, restoration or improvement, the Government may entrust to the panchayet all the work required with the exception of stone and masonry work which will be done at the cost of Government. It is also laid down that the Deputy Commissioner may at his discretion entrust the execution of masonry and stone work also to the Panchayet.

Clause 16 provides that moneys due to the Tank Fund may be collected as arrears of land revenue.

Clause 17 provides for the abolition of a panchayet in cases of incompetency or of persistent default in the discharge of its duties, or of exceeding or abusing its powers and lays down that when a panchayet is abolished the Deputy Commissioner may take possession of the funds of the panchayet and enforce the maintenance of tanks under the ordinary rules.

Clause 18 only states the fact that nothing in the regulation is to be deemed to relieve the ryots of any of their obligations in regard to the restoration, repair and maintenance of tanks.

Clause 19 provides for the making rules for carrying out the purposes of the Regulation.

Legis 2 of 1910-11

No. 1185

Ex 1.

Bangalore,

26th June 1908.

Dear Mr Fraser,

S. No 7

I forward herewith the draft of a bill for the constitution of Village Panchayets to ~~carry out~~ the annual maintenance works to tanks which now devolve on the ryots, and also to exercise certain powers as regards the regulation of water supply for irrigation purposes.

The Statement of Objects and Reasons fully explains the scope of the bill and its various provisions.

I propose to place the bill before the Legislati ouncil in the usual course.

Yours sincerely

Sd V. P. Madhava Rao

No. 3943
Legis 29 of 1910-11
Serial 8

D.O. from No: 948 dated 28-7-08

THE RESIDENT MYSORE

BANGALORE.
28th July 1908.

Dear Mr. Narasimha Rao

S No 8

I have received your letter No.1185 dated 26th June 1908, forwarding a bill for the constitution of Village Panchayats to carry out the annual maintenance works of minor tanks in the State and also to exercise certain powers as regards the regulation of water-supply for irrigation purposes.

2. The proposed legislation involves an experiment of a far reaching character in a matter of enormous importance to the State and the principles underlying it appear to me to be deserving of sympathetic consideration by the Legislative Council. In applying these principles, however, it is necessary to see that they harmonise with the customary law of the country as regards the obligations of the raiyats in connection with the maintenance of minor tanks. In this respect I feel some difficulty in comprehending the exact situation. In clause 11 of the draft Regulation, provision is made for apportionment of work among the raiyats according to their respective obligations and for the commutation of their quota of labour into money payment; clause 16 provides for the recovery of such moneys as arrears of land revenue; and clause 18 leaves unimpaired the obligations of the raiyats to render customary labour under any law or rule, order or custom, having the force of law in regard to irregation works.

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Now the rules which purport to impose obligations on the raiyats for the repair and maintenance of tanks are those issued by the Chief Commissioner of Mysore in October 1873. As the Irrigation Commission has observed in paragraph 634 of their Report, Part II, there appear to be doubts on the part of some of the Mysore Officers as to the legality of enforcing these rules. In his Memorandum on the Irrigation system of Mysore prepared for the Irrigation Commission in December 1901, Col. McNeil Campbell remarked as follows:-

" I cannot say whether the Commissioner of Mysore was authorised to issue his rules of 1873 and whether the raiyats can legally be forced to keep their tanks in order, failing which the cost of the work necessary can be recovered as a revenue demand. There seem to be doubts on the point: anyhow the penalty is, I believe, not always enforced, except in the case of tanks affecting the safety of railways. This state of affairs is most unsatisfactory as the raiyats will not keep their tanks in order and cannot be made to do so. The rules are in fact so much waste paper, and will be so till they can be legally enforced and some penalties inflicted for disobedience."

Col. Grant has expressed the opinion that the rules are not legally valid as regards minor tanks, and I see that they are not included in the schedule to the Instrument of Transfer as rules having the force of law.

3. In the circumstances there appears to be considerable room for doubt as to the precise nature and extent of the obligation of the raiyats in connection with minor tanks and as to the enforceability of such obligation as a statutory duty. The absence of legal sanction and of a clear understanding on the subject will give rise to difficulties in the application of the proposed law,

and I shall be glad if the Durbar will favour me with their views on the subject. In the Madras Presidency, the liability of the Village community to perform customary labour on irrigation works is laid down by law (Section 6 of Madras Act I of 1858) and the extent of such liability is indicated in Board's Standing Orders No.86, clauses 5 and 6.

4. It is understood that a Committee was appointed in 1902 to formulate a scheme for the efficient maintenance of minor tanks in the State. I shall be obliged if you will kindly let me know the conclusions reached by that Committee and favour me with a copy of their Report if any has been submitted to the Durbar.

Yours very truly

S. Fraser

1878

V. P. Madhava Rao, Esq., C.I.E.,

Dewan of Mysore.

S.I.

No. 1259
Encl 1

Bangalore,
August 1908.

Dear Mr Fraser

I beg to acknowledge the receipt of your letter No.3943 dated the 28th July 1908 regarding the Bill for the constitution of Village Tank Panchayats.

(4) As desired in para 4 of your letter, I enclose a copy of the report presented by the Committee of 1902, as also a copy of the order of Government thereon No.6251-61/Agri.626-03-06 dated the 15th December 1904.

(3) With regard to the question of the customary obligation of the raiyats in connection with the maintenance and repair of tanks, I would invite a reference to para III of the Government order of 15th December 1904, in which it is pointed out that ~~it has been the recognised custom from time immemorial that the~~ from time memorial the Custom is to hold those who derive benefit from the tank responsible for their maintenance ~~of tanks devolved upon those who derive benefit from them,~~ and that the rules contained in the Chief Commissioner's Notification No.65 dated the 2nd October 1873 were intended merely to enforce this responsibility, and that too to a limited extent, namely, so far only as concerned tanks either already in a state of efficient repair, or which, having been restored to a definite standard at

the expense of Government, have been handed over to the raiyats for maintenance.

(4) Though the said rules of 1873 have not, as you say, been included in the schedule to the Instrument of Transfer, they have, as a matter of fact, been in operation all the time. Work is being enforced and money recovered under coercive processes on the authority of these rules; and no questions as to their legality have so far been raised on the part of the persons concerned.

(5) The attempt to define the exact nature and extent of this customary liability by means of statutory enactment involves, however, several difficulties, the chief of which is the opportunity it will afford for all manner of questions regarding their validity being raised and attempts made to get the orders passed during the last 50 years called in questions and claims set up for refund of moneys recovered at different times. There will be difficulty also in getting the Legislative Council (the non-official members particularly) to recognise the principle involved when the matter is brought before it as an open question.

(6) In the extract quoted in para 2 of your letter

under reply Col. Campbell is not correct in saying that "the Rules are in fact so much waste paper, and will be so "till they can be legally enforced and some penalties in- "flicted for disobedience". Not only were the penalties enforced but in later years the raiyats used to be held responsible for what was called cumulative neglect, i.e., the cost of repairs some times amounting to thousands of rupees were levied from them by coercive processes on the ground that such repairs were necessitated by their neglect in maintaining the tanks. This was one of the abuses in the working of the Rules of 1873, which were remedied by the orders of December 1904.

(7) As regards the object of Madras Act I of 1858, this appears, if one may judge from the preamble, to be not to ~~deprive~~ define what ~~is~~ the customary obligation of the raiyats, or to give legal validity to such obligation, but rather to provide a penalty for failure to do the labour obligation under custom.

(8) I may add that in the Bill as first drafted there were provisions defining the scope and extent of the customary obligations of the raiyat in respect of tank maintenance; and it was because it was considered

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to bring the subject under public discussion at this stage, and complicate the scheme of forming Village Panchayets by attempting to legislate on the whole question of the construction, repair and maintenance of tanks, that those provisions were dropped and the Bill re-drafted so as to deal solely with the constitution of Panchayats and the regulation of their duties and powers, leaving the customary obligations of the raiyats as they are. In this connection I would request a reference to para 4 of the Statement of Objects and Reasons for the revised Bill (printed at page 7).

In case, however, you consider that the expression "customary obligations of raiyats" which occurs in several of the provisions of the Bill, should be defined, and that legal sanction should be given to the rules contained in the Chief Commissioner's Notification, the following clause may be added to Section 2:-

"Whenever reference is made in this Regulation to the "customary obligations of raiyats, in connection with the "restoration, repair or maintenance of tanks, such refer- "ence shall, unless a different intention appears, be taken "as applying to the obligations of raiyats as laid down in

"the Notification of the Chief Commissioner of Mysore No.

"dated the 2nd October 1873 with the alterations made there-

"in by Government Notification No.5262/Agri.626-03-7 dated

"the 15th December 1904".

5. The above addition and any verbal changes consequent on such addition will be considered after the Bill has been formally introduced into the Legislative Council

D.O. from Lr: 1002 & 27.8.08

437

Leg 738 of 08

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THE RESIDENT MYSORE

Serial 10

BANGALORE.

25th August 1908.

My dear Dewan,

I S No 10

I am desired to acknowledge with thanks, the receipt of your letter No.1259 dated 11th August 1908 regarding the Bill for the constitution of Village Tank Panchayats, and, in reply, to say that there is no prima facie objection to the Bill, with section 2 amended as proposed in the concluding portion of your letter, being introduced into the Legislative Council. Having regard, however, to the enormous importance to the State and the people of the material interests dependant upon the upkeep of the tanks and the experimental nature of the remedy proposed, which so far from providing for the more frequent overhauling of the minor tanks under professional supervision (as recommended by the Irrigation Commission) leaves the care of the tanks to village organizations largely free from official supervision, it is, I am to add, worth consideration whether the experiment should not be first tried in some selected Taluks before legislation is introduced for the whole State, which conceivably may entail

almost

almost irrepairable injury to the tank system.

Yours sincerely,

V. P. Madhava Rao, Esq., C.I.E.,
Dewan of Mysore.

S.I.

No: 1288. Leg 7 ix 11 Serial 11 182

29th August 1911.

My Dear Mr. Moore,

I am in receipt of your D.O. letter No. 1487 of the 28th instant regarding the Village Tank Panchayet Bill. 182 11

(2) Mr. Fraser is apparently under the impression that when the Bill is passed as law, Panchayets will be constituted all over the State and that all the tanks in the State will be handed over to them; but, although under Section 1(2), the Regulation extends to the whole of Mysore, a reference to Section 3 will show that the scheme of constituting Village Panchayets will be brought into effect only in villages where the Government may consider it expedient to do so and where a majority of the villagers may desire it. The Regulation is only an enabling one and the scheme will be applied only to places in which the conditions are favourable for its introduction.

(3) The Durbar fully agree that the proposed legislation will introduce a change in the system of dealing with tanks, but it will be seen that the Government have not lost sight of this fact. The introduction of the scheme in any particular locality is dependent upon so many conditions that far from the result of passing the Regulation being that all the tanks will be handed over to the Panchayets, the problem the Government will have to face when the Regulation is passed will be whether there are many places in which it could be successfully worked. In the first place the system can be worked only in localities where on the one hand we have intelligent villagers who can co-operate for objects of common good, and Amildars and Deputy Commissioners capable of working the scheme with zeal and sympathy on the other. In addition a majority of two-thirds of the villagers should agree to the scheme being introduced.

It is only in a few villages that these conditions can for some years at least be found to exist. The Durbar would have gladly acted upon the suggestion of trying it in a few places before legislation was resorted to, and in fact it was their idea when the scheme was first thought of to so try it, but it was found that some of the essential provisions could not be adopted without legislation, and it was on this account that the scheme was put into the form of a Bill.

(4) I need not explain that successive administrations have found it impossible to devote proper attention to every one of the innumerable tanks, something like 39,000 in number, scattered over the country and, although each of these tanks is important to the villagers who own lands below it or reside in the village which depends upon it for its water supply, it has been found from experience that it is only some of them that receive consideration either owing to their being above a Railway line or above important roads or in an important series or about repairing which the ryots are most clamorous. This, it will be admitted, is not a satisfactory state of things.

(5) In your letter you say that the scheme proposed, "so far from providing for the more frequent overhauling of the minor tanks under professional supervision, leaves the care of the tanks to village organizations largely free from official supervision". There seems to be some misapprehension here. As regards repairs and restorations for which professional skill is necessary, provision is made under clause 15 sub-clause (3) for these works being executed by Government agency, and when in special cases the work is entrusted to the Panchayet, sub clause (3) insists upon the Panchayet carrying it out in accordance with specifications and constructive details furnished by the Deputy Commissioner. I may be allowed to note that in this legislation, as in other matters, the Durbar have always kept in view the principle that there should be as little breaking away from the past as possible.

(6) I may also be permitted to note that as far as repairs and restorations are concerned, it is only the minor tanks that may be handed over to the Panchayets. The major tanks are left untouched by the scheme. They still continue to be attended to by the D.P.W. For the maintenance of both major and minor tanks the responsibility has always rested with the villagers and instead of getting the work attended to by the official agency of the Patel and Sheikdar, the new scheme will assign the work to the Village Panchayets.

Yours Sincerely
Sd. V. P. Madhava Rao.

D.O. Dom No: 1021

No. 4695

THE RESIDENT MYSORE

BANGALORE.

7 September 1908.

My dear Dewan,

I am desired to acknowledge with thanks the receipt of your D/O letter No.1288 of the 29th ultimo regarding the Village Tank Panchayat Bill, and, in reply, to say that your explanation that the conditions precedent to the introduction of the scheme, will, as a matter of fact, be satisfied in a limited number of cases only to begin with, meets the risks pointed out in my D/O letter No.4437 of the 25th August 1908. The Resident would however suggest that this explanation should be made prominent in the speech introducing the bill in the Legislative Council, since the same doubt which occurred to him is likely to be entertained by others. Mr. Fraser would leave it to you to consider whether it would not be wise to also explain that the actual working of the scheme as regards its effect upon the repair and maintenance of tanks will be carefully reported upon, before any general extension of the Panchayet system is encouraged. The risk involved in the proposed system appears to be this:

(1) Under the existing rules the Deputy Commissioner can compel the ryots by coercive processes to carry out the maintenance and repair of tanks. In spite of the existence of this power in the hands of the Revenue Officers, maintenance

dy 7-12-10

and repairs have been neglected. Will the ryots show any more zeal in the matter when the enforcement of the rules is handed over from the Deputy Commissioner to their own Panchayats (Sections 10 and 11 of the Regulation) and when the Deputy Commissioner can exercise coercion only on the application of the Panchayat (Section 16).

3. The Durbar think that the Regulation will revive a communal spirit, which will effect what the Deputy Commissioner has failed to achieve. The Resident hopes that they may prove right but it is possible they may not and it will be necessary to take careful stock of the position at short intervals in order to bring Section 17 into operation where necessary, to prevent further deterioration in the repair and maintenance of tanks in the State.

V. P. Madhava Rao, Esq., C.I.E.,

Dewan of Mysore.

S.I.

G.R.S. 28]

by 7 29-12-10

File No.

Serial No. 13

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(Legs)

READ.—

the 190

Date of issue 9-1-11

Signed by Mr Shivyanna

ORDER THEREON.—No. J 1966 Encl. J

Mr 5th January 1911.

That the accompanying Regulation entitled the Tank Panchayet Regulation, which received the assent of His Highness the Maharaja on the 4th day of January 1911 be published for general information

Sd/

for Secy to Govt
Jud & Rev Depts
P. T.

SUBJECT.

MGCPB—20,000—24-2-05

9/1, Sec'd IN 9/1/11

to

Re Compile Memorandum for
Portuguese in Part III of Memorandum of the 12th inst
in Eng & Canarese and for the supply of
1500 Spare Copies of each.
to this office & 500 each to the Canadian
Govt for sale. Canarese translation
note for Govt. Bilingual proof sheets to be sent
to Govt for correction.

Copy to the Translation Section
for record.

(8) The expression "customary obligations" means obligations enforceable under the Notification of the Chief Commissioner of Mysore, No. 65, dated the 2nd October 1873, as amended by Government Notification No. 5262—Agri. 626-03-7, dated the 15th December 1904;

(9) "Raiyats" shall mean the individuals on whom such customary obligations devolve;

(10) "Patel" and "Shanbhog" mean the persons officiating as patel and shanbhog, respectively, of the village, and where there are more than one such patel or shanbhog, such one of the patels and such one of the shanbhogs, respectively, as may be selected by the Deputy Commissioner for the purposes of this Regulation.

Constitution of Tank Panchayets.

3. For any village for which the Government may consider it expedient to do so, and where a majority consisting of not less than two-thirds of the raiyats and holding in the aggregate not less than half the occupied area of wet lands under the tank so desire, the Government may constitute a Panchayet composed of the Patel and the Shanbhog, and three or more members elected by the raiyats as hereinafter prescribed.

Qualifications for election to Panchayet.

4. Subject to the disqualifications mentioned in Section 5 every raiyat who—

(1) (*a*) pays an annual assessment of not less than Rs. 20 on wet or garden lands in the village, or

(*b*) pays an annual assessment of not less than Rs. 10 on dry lands in the village, or

(*c*) pays in the village an annual mohatarfa tax of not less than Rs. 5, or

(*d*) pays in the aggregate an amount not less than Rs. 25; and

(2) every person who is in possession of an inam of wet, garden or dry lands in the village, the survey valuation of which is not less than the minimum prescribed in respect of these lands in clauses (*a*) and (*b*), or who is in possession of inam lands in the village the aggregate survey valuation of which added to any mohatarfa tax which he might pay in the village amounts to not less than Rs. 25,

shall be qualified for election to the Panchayet.

Provided that the Government may, by notification published in the official Gazette, reduce, for any local area, the minimum amounts of assessment or mohatarfa tax prescribed above.

Disqualifications for election to Panchayet.

5. No person may be elected as a member of a Panchayet,

(*a*) who has been convicted by a Criminal Court of an offence which, in the opinion of the Deputy Commissioner, disqualifies him for holding the office, or

(*b*) who is, in the opinion of the Deputy Commissioner, not physically and mentally capable of discharging the duties of his office; or

(*c*) who is less than 21 years of age, or

(*d*) who is not of the male sex.

Provided that an appeal shall lie to the Government against an order passed by the Deputy Commissioner under clauses (*a*) and (*b*).

Number of elected members of a Panchayet.

6. The number of elected members of a Tank Panchayet shall be fixed by the Deputy Commissioner; and of the number so fixed such number, not less than one-fourth or more than one-half, as may be decided by the Deputy Commissioner, shall be elected by the raiyats holding dry lands or paying mohatarfa but not holding wet or garden lands, from among themselves; and the rest shall be elected by the raiyats holding wet or garden lands with or without dry lands, from among themselves.

Notification of the constitution of a Panchayet.

7. (*a*) The constitution of a Tank Panchayet and the names of its members shall be notified in the official Gazette.

Regulation No I of 1911
(Received the Assent of His Highness the Maharaja on the 4th day of January 1911.)

The Tank Panchayet ~~Bill.~~ Regulation.

Preamble.

Whereas, with a view to provide that the obligations of raiyats in regard to the maintenance of major tanks and the restoration, repair and maintenance of minor tanks shall be satisfactorily carried out, it is expedient to constitute Panchayets to have control over the tanks and to administer the funds that may be assigned for their restoration, repair and maintenance His Highness the Maharaja is pleased to enact as follows:—

Short title.

1. (1) This Regulation may be called the "Tank Panchayet Regulation, 19 11."

Local extent.

(2) It extends to the whole of Mysore; and

Commencement.

(3) It shall come into force on the sixth day of February 1911

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,—

(1) "Tank" means an irrigation tank and shall include an anikat, a voddu, a talparige, and a channel whether used as a feeder, irrigation or distribution channel and whether drawn from a tank, anikat, river, or water course;

(2) "A major tank" means a tank the annual assessment on whose irrigable area is not less than Rs. 300 and shall also include such other tanks as the Government may for any reason notify as major tanks;

All other tanks are "minor tanks";

(3) "Construction" means the creation of a new tank;

(4) "Restoration" means restoring to an efficient condition a tank which from neglect, accident or other cause, has fallen into disuse or become impaired or less efficient than formerly;

(5) "Improvement" means increasing the capacity of a tank so as to provide additional water for irrigation or otherwise rendering it more useful for purposes of irrigation;

(6) "Maintenance" means works of petty repair required to keep or maintain a tank at the standard of safety that may be fixed for it after its construction, restoration or improvement, and includes the following:—

(i) The maintenance of the bund to the standard level and with the slopes specified, the specification of the level and slope being in accordance with the existing state of things and being approved both by the Executive Engineer and the Deputy Commissioner of the District;

(ii) The filling up of gullies or other inequalities caused by rain, the treading of cattle or any other cause upon the bunds of tanks and channels;

(iii) The checking of the growth on bunds of prickly-pear, and any similar rank and pernicious weed;

(iv) The clearing of any underwood from the bunds of tanks wherever it may be injurious;

(v) The clearing and repair of the earthwork of petty and branch channels, and the clearing away of the accumulations in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields;

(vi) The keeping in order the supply channels of tanks;

(vii) The watching of the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluice, and generally the performance of minor duties of this nature in order to prevent breaches and other accidents.

(7) "Village" includes a group of villages or any specified area for which a Tank Panchayet may be constituted;

Term of office of elected members.

(*b*) The elected members of a Tank Panchayet shall hold office for a term of three years.

Liability to removal from office.

8. (*a*) The Deputy Commissioner, if he thinks fit, may, on the recommendation of the Tank Panchayet, and subject to the sanction of Government, remove any member of the Panchayet, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct, or has become incapable of performing his duties.

Casual vacancies how to be filled up.

(*b*) In the event of the death, resignation, disqualification, disability or removal of a member of a Tank Panchayet previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Patel to be Chairman of Panchayet.

9. The Patel shall be the Chairman of the Tank Panchayet and shall conduct all correspondence on behalf of the Panchayet.

The Tank Fund.

10. (1) The Panchayet shall have control over a fund to be called the Tank Fund, made up of the following items:—

(*a*) the amounts collected from raiyats under Section 12;

(*b*) the rent or value of the share of produce or the sale proceeds received under Section 13;

(*c*) such grant out of the Irrigation Cess Fund as the Government may, from time to time, make to the fund;

(*d*) any other grant which the Government may make to the fund;

(*e*) any advance which the Government may make to the Panchayet under Section 16 for the execution of the masonry and stone work; and

(*f*) any loan which the Government may make to the Panchayet for carrying out the purposes of this Regulation.

(2) The fund shall be deposited in the Government Savings Bank or with any Agricultural Bank or Co-operative Society approved by the Deputy Commissioner, and shall be available to the Panchayet for the maintenance and upkeep of the major and minor tanks; for special repairs of the minor tanks rendered necessary by extraordinary causes and for the construction, restoration or improvement of any minor tank, which may be entrusted to the Panchayet under Section 16.

(3) An account of the administration of the fund during each official year shall be submitted by the Panchayet to the general body of the raiyats at a meeting to be held within one month after the close of the official year.

Consequence of Panchayet coming into existence.

11. When a Tank Panchayet comes into existence under Section 3, the enforcement of the customary obligations of the raiyats for the maintenance and upkeep of all the tanks in the village, shall thereafter vest in the Panchayet.

Provided that the Government may exclude any tank or tanks in the village from the control of the Panchayet.

Power of Panchayet to apportion repair and maintenance work among raiyats or to carry out work and recover cost from raiyats.

12. (1) The Panchayet shall have the power to apportion the work required for the maintenance and upkeep of the tank or tanks under its control among the raiyats according to their respective obligations.

(2) If a raiyat fails to do the work allotted to him or prefers to commute his quota of labour into a money payment, the Panchayet shall itself get the work done out of the funds at its disposal, recovering from him the cost thereof as fixed by it.

(3) For determining the amount to be recovered from a raiyat under the last preceding sub-section, the Panchayet shall have the power to fix the wages of labourers therein, subject to such maximum and minimum rates as may be laid down by the Government.

Power to sell fishing or grazing rights etc.

13. (1) The Panchayet shall have power to sell—

a) the right of fishing in the tank under its control,

b) the right of grazing in the tank bed and the right of cutting and removing the grass on the tank bund, and

c) the produce of the trees in the tank and on the bund, if any.

Power to grant tank bed for cultivation.

(2) The Panchayet shall also have power to grant the bed of the tanks under its control for temporary cultivation of quick-growing crops on such terms as regards payment of rent or share of produce as may be deemed fit by it, provided that it shall be competent to the Deputy Commissioner to prohibit such cultivation in any tank or in any season.

Power to regulate the issue of water for irrigation

14. For the purpose of irrigation from the tank under its control, a Panchayet shall have power to regulate—

a) the time for the commencement of the issue of water from the tank;

b) the period during which the supply of water is to continue; and

c) the quantity of water to be let out from the tank.

Power to restrict wet cultivation.

15. (1) A Tank Panchayet, specially empowered by Government in this behalf may, in any year, having regard to the quantity of water available in any tank under its control,

(*a*) determine the portion, out of all *or any of the* wet lands in the irrigable area of such tank, to be cultivated with wet crops and confine the supply of water for irrigation to such portion;

b) select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of growing sugarcane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

(2) No such power as is referred to in sub-section (1) shall be conferred on a Tank Panchayet in regard to any tank under its control except with the consent of a majority of not less than two-thirds of the raiyats and holding in the aggregate not less than two-thirds of the occupied area of wet lands under such tank.

(3) If, in accordance with a decision of the Panchayet under clause (*a*) of sub-section (1), any land assessed as wet is not supplied with water for irrigation, the holder of such land shall be entitled to remission of half the assessment on such land.

Panchayet may be entrusted with construction, restoration and improvement of a tank.

16. (1) With the approval of a majority of not less than two-thirds of the raiyats a Tank Panchayet may undertake the construction, restoration or improvement, as the case may be, of a minor tank, with the exception of the masonry and stone work.

(2) The masonry and stone work required shall be executed by the Government at its cost; but, if the Panchayet undertakes to execute it, such work may also, at the discretion of the Deputy Commissioner, be entrusted to the Panchayet, the estimated cost of such work being advanced to the Panchayet by the Government.

(3) The Panchayet shall be bound to have all the work undertaken by it executed according to the specifications and constructive details furnished by the Deputy Commissioner and within such time as may be allowed by the Deputy Commissioner.

Recovery of moneys due to the Tank Fund

17. All moneys due to the Tank Fund under Section 20 of this Regulation shall, in default of payment by the person from whom such moneys may be due, and on the application of the Panchayet, be recoverable by the Deputy Commissioner as arrears of land revenue.

18. (1) If, in the opinion of the Government, any Tank Panchayet is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the official Gazette, abolish the Panchayet.

Power of Government to abolish Panchayet in case of incompetency, default or abuse of powers.

(2) When a Panchayet is so abolished—

(*a*) the members of the Panchayet shall, as from the date of the order, vacate their offices as such members; and

(*b*) the Deputy Commissioner shall take charge of the funds of the Panchayet, if any, and shall enforce the customary obligations of the raiyats in the same manner as if the Panchayet had not been constituted and may utilise such funds for the purposes referred to in Section 10 in the same manner as the Panchayet may have utilised the same.

(3) A Panchayet thus abolished may, after such time as the Government may think fit, be reconstituted under the provisions of Section 3.

19. Nothing in this Regulation shall be deemed to relieve the raiyats of any of their obligations under any law, or any rule, order or custom having the force of law, in regard to the restoration, repair and maintenance of tanks.

Obligation of the raiyats under the ordinary law unaffected.

20. No member of the Panchayet shall be liable to be sued for any act done or ordered to be done in good faith in pursuance of the provisions of this Regulation.

Protection of members of Panchayet for acts done in good faith.

21. (1) The Government may, for the whole or any part of Mysore or for any Panchayet or group of Panchayets, make rules to carry out the purposes of this Regulation.

Power of Government to make rules and the matters in regard to which rules may be framed.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) provide for the preparation of lists of persons qualified to vote under Sections 6, 15 and 16 and of persons qualified for election to the Panchayet under Sections 4 and 5;

(*b*) prescribe the procedure to be adopted at meetings of voters;

(*c*) prescribe the procedure to be adopted by Panchayets at their meetings;

(*d*) prescribe the accounts and books to be kept by Panchayets and provide for the audit of such accounts;

(*e*) prescribe the accounts, returns and reports to be furnished by Panchayets;

(*f*) prescribe the procedure to be followed by Panchayets for collecting their dues.

C. P. D.—24-10-10—35.

D. Ananda Rao
Dewan